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JOURNAL

OF THE

SENATE OF THE UNITED STATES

OF AMERICA:

BEING THE

SECOND SESSION OF THE TWENTY-FIRST CONGRESS,

BEGUN AND HELD

AT THE CITY OF WASHINGTON,

DECEMBER 6, 1830,

AND IN THE FIFTY-FIFTH YEAR OF THE INDEPENDENCE OF THE SAID UNITED STATES.

WASHINGTON:

PRINTED BY DUFF GREEN.

1830.

From the State of North Carolina,

The Honorable { Bedford Brown,
James Iredell.

From the State of Georgia,

The Honorable George M. Troup.

From the State of Tennessee,

The Honorable { Felix Grundy,
Hugh Lawson White.

From the State of Ohio,

The Honorable { Jacob Burnet,
Benjamin Ruggles.

From the State of Louisiana,

The Honorable Josiah S. Johnston.

From the State of Indiana,

The Honorable { William Hendricks,
James Noble.

From the State of Mississippi,

The Honorable { Powhatan Ellis,
George Poindexter.

From the State of Illinois,

The Honorable { David J. Baker,
Elias K. Kane.

From the State of Alabama,

The Honorable William R. King.

From the State of Maine,

The Honorable { John Holmes,
Peleg Sprague.

From the State of Missouri,

The Honorable { David Barton,
Thomas H. Benton.

The Honorable SAMUEL SMITH, President of the Senate, pro tem resumed the chair.

Mr. Kane communicated the credentials of the Honorable David J. Ker, appointed a Senator by the Governor of the State of Illinois, to supply the vacancy occasioned by the death of the Honorable John McLean.

Mr. Ellis communicated the credentials of the Honorable George Poindexter, appointed a Senator by the Governor of the State of Mississippi, to supply the vacancy occasioned by the death of the Honorable Robert Adams.

The credentials having been read, the oath prescribed by law was administered to Mr. Baker and Mr. Poindexter, and they took their seats in the Senate.

The President communicated the credentials of the Honorable John Forsyth, appointed a Senator by the Legislature of the State of Georgia, for the term of six years from the third day of March next; which were read.

On motion by Mr. King,

Ordered, That the Secretary acquaint the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

On motion by Mr. Holmes, and by unanimous consent,

Resolved, That the Secretary be instructed to cause the members of the Senate to be furnished with such newspapers as they may respectively direct: *Provided*, That the expense for each member, during the present session, shall not exceed the price of three daily papers.

The Senate then adjourned.

TUESDAY, DECEMBER 7, 1830.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: I am directed to inform the Senate that a quorum of the House of Representatives has assembled, and is now ready to proceed to business.

The House of Representatives have passed a resolution, appointing a committee, to join such committee as may be appointed by the Senate, to wait on the President of the United States, and inform him that quorums of the two Houses have assembled, and that Congress are ready to receive any communications he may be pleased to make; in which they request the concurrence of the Senate.

The Senate proceeded to consider said resolution; and,

On motion by Mr. Grundy,

Resolved, That they concur therein.

Ordered, That Mr. Grundy and Mr. Woodbury be the committee on the part of the Senate.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Woodbury, and by unanimous consent,

Resolved, That the 34th rule for conducting business in the Senate be suspended, so far as to authorize the Senate, in the absence of the Vice President, to elect, by ballot, the Chairman of the Committee on Finance.

The Senate proceeded to ballot for a Chairman of the Committee on Finance; and, on counting the ballots, it appeared that the Hon. Mr. Smith, of Maryland, had a majority of the votes, and was accordingly elected.

The President then announced the appointment of the standing committees, as follows:

A Committee on Foreign Relations, consisting of Mr. Tazewell, Mr. Sanford, Mr. White, Mr. Bell, and Mr. King.

A Committee on Finance, consisting of Mr. Smith, of Maryland, Mr. Smith, of South Carolina, Mr. Silsbee, Mr. King, and Mr. Johnston.

A Committee on Commerce, consisting of Mr. Woodbury, Mr. Johnston, Mr. Silsbee, Mr. Sanford, and Mr. Forsyth.

A Committee on Manufactures, consisting of Mr. Dickerson, Mr. Rugles, Mr. Knight, Mr. Seymour, and Mr. Bibb.

A Committee on Agriculture, consisting of Mr. Marks, Mr. Willey, Mr. Noble, Mr. Brown, and Mr. Seymour.

A Committee on Military Affairs, consisting of Mr. Benton, Mr. Barnard, M. Troup, Mr. Naudain, and Mr. Iredell.

A Committee on the Militia, consisting of Mr. Barnard, Mr. Frelinghuysen, Mr. Clayton, Mr. Noble, and Mr. Bibb.

A Committee on Naval Affairs, consisting of Mr. Hayne, Mr. Tazewell, Mr. Robbins, Mr. Livingston, and Mr. Webster.

A Committee on Public Lands, consisting of Mr. Barton, Mr. McKimley, Mr. Kane, Mr. Ellis, and Mr. Sprague.

A Committee on Private Land Claims, consisting of Mr. Kane, Mr. Burnet, Mr. Poindexter, Mr. Grandy, and Mr. Naudain.

A Committee on Indian Affairs, consisting of Mr. White, Mr. Troup, Mr. Hendricks, Mr. Dudley, and Mr. Benton.

A Committee of Claims, consisting of Mr. Ruggles, Mr. Bell, Mr. Chase, Mr. Foot, and Mr. Brown.

A Committee on the Judiciary, consisting of Mr. Rowan, Mr. McKimley, Mr. Webster, Mr. Hayne, and Mr. Frelinghuysen.

A Committee on the Post Office and Post Roads, consisting of Mr. Grundy, Mr. Burnet, Mr. Forsyth, Mr. Ellis, and Mr. Seymour.

A Committee on Roads and Canals, consisting of Mr. Hendricks, Mr. Tyler, Mr. Ruggles, Mr. Dudley, and Mr. Poindexter.

A Committee on Pensions, consisting of Mr. Foot, Mr. Holmes, Mr. Marks, Mr. Chase, and Mr. Chambers.

A Committee on the District of Columbia, consisting of Mr. Chambers, Mr. Tyler, Mr. Holmes, Mr. Clayton, and Mr. Sprague.

A Committee to audit and control the Contingent Expenses of the Senate, consisting of Mr. Iredell, Mr. Baker, and Mr. Knight.

A Committee on Engrossed Bills, consisting of Mr. Marks, Mr. Willey, and Mr. Baker.

Mr. Grundy, from the committee appointed to wait on the President of the United States, and inform him that quorums of the two Houses have assembled, and that Congress are ready to receive any communications he may be pleased to make, reported that the committee had performed the duties of their appointment, and that the President of the United States replied that he would make a communication, in writing, to the two Houses of Congress, this day at half past one o'clock.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

*Fellow-Citizens of the Senate
and House of Representatives:*

The pleasure I have in congratulating you upon your return to your constitutional duties is much heightened by the satisfaction which the condition of our beloved country at this period justly inspires. The beneficent Author of all good has granted to us, during the present year, health, peace, and plenty, and numerous causes for joy in the wonderful success which attends the progress of our free institutions.

With a population unparalleled in its increase, and possessing a character which combines the hardihood of enterprise with the considerateness of wisdom, we see in every section of our happy country a steady improvement in the means of social intercourse, and correspondent effects upon the genius and laws of our extended republic.

The apparent exceptions to the harmony of the prospect are to be referred rather to inevitable diversities in the various interests which enter into the composition of so extensive a whole, than to any want of attachment to the Union—interests whose collisions serve only, in the end, to foster the spirit of conciliation and patriotism, so essential to the preservation of that Union, which, I most devoutly hope, is destined to prove imperishable.

In the midst of these blessings, we have recently witnessed changes in the condition of other nations, which may, in their consequences, call for the utmost vigilance, wisdom, and unanimity in our councils, and the exercise of all the moderation and patriotism of our people.

The important modifications of their government, effected with so much courage and wisdom by the people of France, afford a happy presage of their future course, and have naturally elicited from the kindred feelings of this nation that spontaneous and universal burst of applause in which you have participated. In congratulating you, my fellow-citizens, upon an event so auspicious to the dearest interests of mankind, I do no more than respond to the voice of my country, without transcending, in the slightest degree, that salutary maxim of the illustrious Washington, which enjoins an abstinence from all interference with the internal affairs of other nations. From a people exercising, in the most unlimited degree, the right of self-government, and enjoying, as derived from this proud characteristic, under the favor of heaven, much of the happiness with which they are blessed; a people who can point in triumph to their free institutions, and challenge comparison with the fruits they bear, as well as with the moderation, intelligence, and energy, with which they are administered; from such a people, the deepest sympathy was to be expected in a struggle for the sacred principles of liberty, conducted in a spirit every way worthy of the cause, and crowned by a heroic moderation which has disarmed revolution of its terrors. Notwithstanding the strong assurances which the man whom we so sincerely love and justly admire has given to the world of the high character of the present King of the French, and which, if sustained to the end, will secure to him the proud appellation of Patriot King—it is not in his success, but in that of the great principle which has borne him to the throne—the paramount authority of the public will—that the American people rejoice.

I am happy to inform you that the anticipations which were indulged at the date of my last communication on the subject of our foreign affairs, have been fully realized in several important particulars.

An arrangement has been effected with Great Britain, in relation to the trade between the United States and her West India and North American colonies, which has settled a question that has for years afforded matter for contention and almost uninterrupted discussion, and has been the subject of no less than six negotiations, in a manner which promises results highly favorable to the parties.

The abstract right of Great Britain to monopolize the trade with her colonies, or to exclude us from a participation therein, has never been denied by the United States. But we have contended, and with reason, that if, at any time, Great Britain may desire the productions of this country, as necessary to her colonies, they must be received upon principles of just reciprocity; and further, that it is making an invidious and unfriendly distinction, to open her colonial ports to the vessels of other nations, and close them against those of the United States.

Antecedently to 1794, a portion of our productions was admitted into

the colonial islands of Great Britain, by particular concessions, limited to the term of one year, but renewed from year to year. In the transportation of these productions, however, our vessels were not allowed to engage; this being a privilege reserved to British shipping, by which alone our produce could be taken to the islands, and theirs brought to us in return. From Newfoundland and her continental possessions, all our productions, as well as our vessels, were excluded, with occasional relaxations, by which, in seasons of distress, the former were admitted in British bottoms.

By the treaty of 1794, she offered to concede to us, for a limited time, the right of carrying to her West India possessions, in our vessels not exceeding seventy tons burthen, and upon the same terms as British vessels, any productions of the United States which British vessels might import therefrom. But this privilege was coupled with conditions which are supposed to have led to its rejection by the Senate; that is, that American vessels should land their return cargoes in the United States only; and, moreover, that they should, during the continuance of the privilege, be precluded from carrying molasses, sugar, coffee, cocoa, or cotton, either from those islands, or from the United States, to any other part of the world. Great Britain readily consented to expunge this article from the treaty; and subsequent attempts to arrange the terms of the trade, either by treaty stipulations or concerted legislation, having failed, it has been successively suspended and allowed, according to the varying legislation of the parties.

The following are the prominent points which have, in later years, separated the two Governments. Besides a restriction, whereby all importations into her colonies in American vessels are confined to our own products carried hence, a restriction to which it does not appear that we have ever objected, a leading object on the part of Great Britain has been to prevent us from becoming the carriers of British West India commodities to any other country than our own. On the part of the United States, it has been contended, 1st. That the subject should be regulated by treaty stipulation, in preference to separate legislation: 2d. That our productions, when imported into the colonies in question, should not be subject to higher duties than the productions of the mother country, or of her other colonial possessions; and, 3d. That our vessels should be allowed to participate in the circuitous trade between the United States and different parts of the British dominions.

The first point, after having been, for a long time, strenuously insisted upon by Great Britain, was given up by the act of Parliament of July, 1825; all vessels suffered to trade with the colonies being permitted to clear from thence with any articles which British vessels might export, and proceed to any part of the world, Great Britain and her dependencies alone excepted. On our part, each of the above points had, in succession, been explicitly abandoned in negotiations preceding that of which the result is now announced.

This arrangement secures to the United States every advantage asked by them, and which the state of the negotiation allowed us to insist upon. The trade will be placed upon a footing decidedly more favorable to this country than any on which it ever stood; and our commerce and navigation will enjoy, in the colonial ports of Great Britain, every privilege allowed to other nations.

That the prosperity of the country, so far as it depends on this trade, will be greatly promoted by the new arrangement; there can be no doubt. Inde-

pendently of the more obvious advantages of an open and direct intercourse, its establishment will be attended with other consequences of a higher value. That which has been carried on since the mutual interdict under all the expense and inconvenience unavoidably incident to it, would have been impossibly onerous, had it not been, in a great degree, lightened by concerted evasions in the mode of making the transshipments at what are called the neutral ports. These indirections are inconsistent with the dignity of nations that have so many motives, not only to cherish feelings of mutual friendship, but to maintain such relations as will stimulate their respective citizens and subjects to efforts of direct, open, and honorable competition only; and preserve them from the influence of seductive and vitiating circumstances.

When your preliminary interposition was asked at the close of the last session, a copy of the instructions under which Mr. McLane has acted, together with the communications which had at that time passed between him and the British Government, was laid before you. Although there has not been any thing in the acts of the two Governments which requires secrecy, it was thought most proper, in the then state of the negotiation, to make that communication a confidential one. So soon, however, as the evidence of execution on the part of Great Britain is received, the whole matter shall be laid before you, when it will be seen that the apprehension which appears to have suggested one of the provisions of the act passed at your last session, that the restoration of the trade in question might be connected with other subjects, and was sought to be obtained at the sacrifice of the public interest in other particulars, was wholly unfounded; and that the change which has taken place in the views of the British Government has been induced by considerations as honorable to both parties as, I trust, the result will prove beneficial.

This desirable result was, it will be seen, greatly promoted by the liberal and confiding provisions of the act of Congress of the last session, by which our ports were, upon the reception and annunciation, by the President, of the required assurance on the part of Great Britain, forthwith opened to her vessels, before the arrangement could be carried into effect on her part; pursuing, in this act of prospective legislation, a similar course to that adopted by Great Britain, in abolishing, by her act of Parliament, in 1825, a restriction then existing, and permitting our vessels to clear from the colonies, on their return voyages, for any foreign country whatever, before British vessels had been relieved from the restriction imposed by our law, of returning directly from the United States to the colonies—a restriction which she required and expected that we should abolish. Upon each occasion, a limited and temporary advantage has been given to the opposite party, but an advantage of no importance in comparison with the restoration of mutual confidence and good feeling, and the ultimate establishment of the trade upon fair principles.

It gives me unfeigned pleasure to assure you that this negotiation has been, throughout, characterised by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability, is a duty which I shall deem it a privilege to discharge.

Although the result is, itself, the best commentary on the services rendered to his country by our Minister at the court of St. James, it would be

doing violence to my feelings were I to dismiss the subject without expressing the very high sense I entertain of the talent and exertion which have been displayed by him on the occasion.

The injury to the commerce of the United States resulting from the exclusion of our vessels from the Black sea, and the previous footing of mere sufferance upon which even the limited trade enjoyed by us with Turkey has hitherto been placed, have, for a long time, been a source of much solicitude to this Government; and several endeavors have been made to obtain a better state of things. Sensible of the importance of the object, I felt it my duty to leave no proper means unemployed to acquire for our flag the same privileges that are enjoyed by the principal powers of Europe. Commissioners were, consequently, appointed, to open a negotiation with the Sublime Porte. Not long after the member of the commission who went directly from the United States had sailed, the account of the treaty of Adrianople, by which one of the objects in view was supposed to be secured, reached this country. The Black sea was understood to be opened to us. Under the supposition that this was the case, the additional facilities to be derived from the establishment of commercial regulations with the Porte were deemed of sufficient importance to require a prosecution of the negotiation as originally contemplated. It was therefore persevered in, and resulted in a treaty, which will be forthwith laid before the Senate.

By its provisions, a free passage is secured, without limitation of time, to the vessels of the United States, to and from the Black sea, including the navigation thereof; and our trade with Turkey is placed on the footing of the most favored nation. The latter is an arrangement wholly independent of the treaty of Adrianople; and the former derives much value, not only from the increased security which, under any circumstances, it would give to the right in question, but from the fact, ascertained in the course of the negotiation, that, by the construction put upon that treaty by Turkey, the article relating to the passage of the Bosphorus is confined to nations having treaties with the Porte. The most friendly feelings appear to be entertained by the Sultan, and an enlightened disposition is evinced by him to foster the intercourse between the two countries by the most liberal arrangements. This disposition it will be our duty and interest to cherish.

Our relations with Russia are of the most stable character. Respect for that empire, and confidence in its friendship towards the United States, have been so long entertained on our part, and so carefully cherished by the present Emperor and his illustrious predecessor, as to have become incorporated with the public sentiment of the United States. No means will be left unemployed on my part to promote these salutary feelings, and those improvements of which the commercial intercourse between the two countries is susceptible, and which have derived increased importance from our treaty with the Sublime Porte.

I sincerely regret to inform you that our Minister lately commissioned to that court, on whose distinguished talents and great experience in public affairs I place great reliance, has been compelled by extreme indisposition to exercise a privilege, which, in consideration of the extent to which his constitution had been impaired in the public service, was committed to his discretion—of leaving temporarily his post for the advantage of a more genial climate.

If, as it is to be hoped, the improvement of his health should be such as to justify him in doing so, he will repair to St. Petersburg, and resume the dis-

charge of his official duties. I have received the most satisfactory assurances that, in the mean time, the public interest in that quarter will be preserved from prejudice, by the intercourse which he will continue, through the Secretary of Legation, with the Russian cabinet.

You are apprised, although the fact has not yet been officially announced to the House of Representatives, that a treaty was, in the month of March last, concluded between the United States and Denmark, by which \$650,000 are secured to our citizens as an indemnity for spoliations upon their commerce in the years 1808, 1809, 1810, and 1811. This treaty was sanctioned by the Senate at the close of its last session, and it now becomes the duty of Congress to pass the necessary laws for the organization of the Board of Commissioners to distribute the indemnity among the claimants. It is an agreeable circumstance in this adjustment, that the terms are in conformity with the previously ascertained views of the claimants themselves; thus removing all pretence for a future agitation of the subject in any form.

The negotiations in regard to such points in our foreign relations as remain to be adjusted, have been actively prosecuted during the recess. Material advances have been made, which are of a character to promise favorable results. Our country, by the blessing of God, is not in a situation to invite aggression; and it will be our fault if she ever becomes so. Sincerely desirous to cultivate the most liberal and friendly relations with all; ever ready to fulfil our engagements with scrupulous fidelity; limiting our demands upon others to mere justice; holding ourselves ever ready to do unto them as we would wish to be done by; and avoiding even the appearance of undue partiality to any nation, it appears to me impossible that a simple and sincere application of our principles to our foreign relations can fail to place them ultimately upon the footing on which it is our wish they should rest.

Of the points referred to, the most prominent are, our claims upon France or spoliations upon our commerce; similar claims upon Spain, together with embarrassments in the commercial intercourse between the two countries, which ought to be removed; the conclusion of the treaty of commerce and navigation with Mexico, which has been so long in suspense, as well as the final settlement of limits between ourselves and that republic; and, finally, the arbitrament of the question between the United States and Great Britain in regard to the northeastern boundary.

The negotiation with France has been conducted by our Minister with skill and ability, and in all respects to my entire satisfaction. Although the prospect of a favorable termination was occasionally dimmed by counter-pretensions, to which the United States could not assent, he yet had strong hopes of being able to arrive at a satisfactory settlement with the late Government. The negotiation has been renewed with the present authorities; and, sensible of the general and lively confidence of our citizens in the justice and magnanimity of regenerated France, I regret the more not to have been in my power, yet, to announce the result so confidently anticipated. No ground, however, inconsistent with this expectation, has yet been taken; and do not allow myself to doubt that justice will soon be done us. The amount of the claims, the length of time they have remained unsatisfied, and their incontrovertible justice, make an earnest prosecution of them by this Government an urgent duty. The illegality of the seizures and confiscations out of which they have arisen is not disputed; and whatever distinctions may have heretofore been set up in regard to the liability of the existing

Government, it is quite clear that such considerations cannot now be interposed.

The commercial intercourse between the two countries is susceptible of highly advantageous improvements; but the sense of this injury has had, and must continue to have, a very unfavorable influence upon them. From its satisfactory adjustment, not only a firm and cordial friendship, but a progressive development of all their relations, may be expected. It is, therefore, my earnest hope that this old and vexatious subject of difference may be speedily removed.

I feel that my confidence in our appeal to the motives which should govern a just and magnanimous nation, is alike warranted by the character of the French people, and by the high voucher we possess for the enlarged views and pure integrity of the monarch who now presides over their councils; and nothing shall be wanting on my part to meet any manifestation of the spirit we anticipate in one of corresponding frankness and liberality.

The subjects of difference with Spain have been brought to the view of that Government, by our Minister there, with much force and propriety; and the strongest assurances have been received of their early and favorable consideration.

The steps which remained to place the matter in controversy between Great Britain and the United States fairly before the arbitrator, have all been taken in the same liberal and friendly spirit which characterised those before announced. Recent events have doubtless served to delay the decision, but our Minister at the court of the distinguished arbitrator has been assured that it will be made within the time contemplated by the treaty.

I am particularly gratified in being able to state that a decidedly favorable, and, as I hope, lasting change has been effected in our relations with the neighboring republic of Mexico. The unfortunate and unfounded suspicions in regard to our disposition, which it became my painful duty to advert to on a former occasion, have been, I believe, entirely removed; and the Government of Mexico has been made to understand the real character of the wishes and views of this in regard to that country. The consequence is, the establishment of friendship and mutual confidence. Such are the assurances I have received, and I see no cause to doubt their sincerity.

I had reason to expect the conclusion of a commercial treaty with Mexico in season for communication on the present occasion. Circumstances which are not explained, but which, I am persuaded, are not the result of an indisposition on her part to enter into it, have produced the delay.

There was reason to fear, in the course of the last summer, that the harmony of our relations might be disturbed by the acts of certain claimants, under Mexican grants, of territory which had hitherto been under our jurisdiction. The co-operation of the representative of Mexico near this Government was asked on the occasion, and was readily afforded. Instructions and advice have been given to the Governor of Arkansas and the officers in command in the adjoining Mexican State, by which, it is hoped, the quiet of that frontier will be preserved, until a final settlement of the dividing line shall have removed all ground of controversy.

The exchange of ratifications of the treaty concluded last year with Austria has not yet taken place. The delay has been occasioned by the non-arrival of the ratification of that Government within the time prescribed by the treaty. Renewed authority has been asked for by the

tative of Austria; and, in the mean time, the rapidly increasing navigation between the two countries have been placed upon the equal footing of our navigation acts.

al alleged depredations have been recently committed on our com- the national vessels of Portugal. They have been made the sub- mediate remonstrance and reclamation. I am not yet possessed ent information to express a definitive opinion of their character, but on to receive it. No proper means shall be omitted to obtain for ens all the redress to which they may appear to be entitled.

st at the moment of the adjournment of your last session, two bills, entitled "An act for making appropriations for building light-houses, ts, beacons, and monuments, placing buoys, and for improving har- l directing surveys," and the other, "An act to authorize a sub- for stock in the Louisville and Portland Canal Company," were d for my approval. It was not possible, within the time allowed me, re close of the session, to give to these bills the consideration which to their character and importance; and I was compelled to retain that purpose. I now avail myself of this early opportunity to re- m to the Houses in which they respectively originated, with the which, after mature deliberation, compel me to withhold my appro-

ractice of defraying out of the Treasury of the United States the incurred by the establishment and support of light-houses, beacons, and public piers, within the bays, inlets, harbors, and ports of the States, to render the navigation thereof safe and easy, is coeval with tion of the Constitution, and has been continued without interruption.

r foreign commerce increased, and was extended into the interior of try by the establishment of ports of entry and delivery upon our e rivers, the sphere of those expenditures received a corresponding ment. Light-houses, beacons, buoys, public piers, and the removal bars, sawyers, and other partial or temporary impediments in the e rivers and harbors which were embraced in the revenue districts ie to time established by law, were authorised upon the same prin- d the expense defrayed in the same manner. That these expenses imes been extravagant and disproportionate, is very probable. The ances under which they are incurred are well calculated to lead to result, unless their application is subjected to the closest scrutiny. al advantages arising from the disbursement of public money too ly, it is to be feared, invite appropriations for objects of this charac- are neither necessary nor useful. The number of light-house keep- ready very large, and the bill before me proposes to add to it fifty- e, of various descriptions. From representations upon the subject re understood to be entitled to respect, I am induced to believe that is not only been great improvidence in the past expenditures of the ment upon these objects, but that the security of navigation has, in stances, been diminished by the multiplication of light-houses, and ent change of lights, upon the coast. It is in this, as in other , our duty to avoid all unnecessary expense, as well as every in- of patronage not called for by the public service. But, in the e of that duty in this particular, it must not be forgotten that,

in relation to our foreign commerce, the burden and benefit of protecting and accommodating it necessarily go together, and must do so as long as the public revenue is drawn from the people through the custom-house. It is indisputable, that whatever gives facility and security to navigation, cheapens imports; and all who consume them are alike interested in whatever produces this effect. If they consume, they ought, as they now do, to pay; otherwise, they do not pay. The consumer in the most inland State derives the same advantage from every necessary and prudent expenditure for the facility and security of our foreign commerce and navigation, that he does who resides in a maritime State. Local expenditures have not, of themselves, a correspondent operation.

From a bill making *direct* appropriations for such objects, I should not have withheld my assent. The one now returned does so in several particulars, but it also contains appropriations for surveys of a local character, which I cannot approve. It gives me satisfaction to find that no serious inconvenience has arisen from withholding my approval from this bill; nor will it, I trust, be cause of regret that an opportunity will be thereby afforded for Congress to review its provisions under circumstances better calculated for full investigation than those under which it was passed.

In speaking of direct appropriations, I mean not to include a practice which has obtained to some extent, and to which I have, in one instance, in a different capacity, given my assent—that of subscribing to the stock of private associations. Positive experience, and a more thorough consideration of the subject, have convinced me of the impropriety as well as inexpediency of such investments. All improvements effected by the funds of the nation for general use should be open to the enjoyment of all our fellow-citizens, exempt from the payment of tolls, or any imposition of that character. The practice of thus mingling the concerns of the Government with those of the States or of individuals, is inconsistent with the object of its institution, and highly impolitic. The successful operation of the federal system can only be preserved by confining it to the few and simple, but yet important objects for which it was designed.

A different practice, if allowed to progress, would ultimately change the character of this Government, by consolidating into one the General and State Governments, which were intended to be kept forever distinct. I cannot perceive how bills authorizing such subscriptions can be otherwise regarded than as bills for revenue, and consequently subject to the rule in that respect prescribed by the Constitution. If the interest of the Government in private companies is subordinate to that of individuals, the management and control of a portion of the public funds is delegated to an authority unknown to the Constitution, and beyond the supervision of our constituents: if superior, its officers and agents will be constantly exposed to imputations of favoritism and oppression. Direct prejudice to the public interest, or an alienation of the affections and respect of portions of the people, may, therefore, in addition to the general discredit resulting to the Government from embarking with its constituents in pecuniary stipulations, be looked for as the probable fruit of such associations. It is no answer to this objection to say that the extent of consequences like these cannot be great from a limited and small number of investments: because experience in other matters teaches us, and we are not at liberty to disregard its admonitions, that, unless an entire stop be put to them, it will soon be impossible,

to prevent their accumulation, until they are spread over the whole country, and made to embrace many of the private and appropriate concerns of individuals.

The power which the General Government would acquire within the several States by becoming the principal stockholder in corporations, controlling every canal and each sixty or hundred miles of every important road, and giving a proportionate vote in all their elections, is almost inconceivable, and, in my view, dangerous to the liberties of the people.

This mode of aiding such works is, also, in its nature, deceptive, and in many cases conducive to improvidence in the administration of the national funds. Appropriations will be obtained with much greater facility, and granted with less security to the public interest, when the measure is thus disguised, than when definite and direct expenditures of money are asked for. The interests of the nation would doubtless be better served by avoiding all such indirect modes of aiding particular objects. In a Government like ours, more especially, should all public acts be, as far as practicable, simple, undisguised, and intelligible, that they may become fit subjects for the approbation or animadversion of the people. The bill authorizing a subscription to the Louisville and Portland canal affords a striking illustration of the difficulty of withholding additional appropriations for the same object, when the first erroneous step has been taken by instituting a partnership between the Government and private companies. It proposes a third subscription on the part of the United States, when each preceding one was at the same time regarded as the extent of the aid which Government was to render to that work; and the accompanying bill for light-houses, &c. contains an appropriation for a survey of the bed of the river, with a view to its improvement, by removing the obstruction which the canal is designed to avoid. This improvement, if successful, would afford a free passage of the river, and render the canal entirely useless. To such improvidence is the course of legislation subject, in relation to internal improvements on local matters, even with the best intentions on the part of Congress.

Although the motives which have influenced me in this matter may be already sufficiently stated, I am, nevertheless, induced by its importance to add a few observations of a general character.

In my objections to the bills authorizing subscriptions to the Maysville and Rockville Road Companies, I expressed my views fully in regard to the power of Congress to construct roads and canals within a State, or to appropriate money for improvements of a local character. I, at the same time, intimated my belief that the right to make appropriations for such as were of a national character had been so generally acted upon, and so long acquiesced in by the Federal and State Governments, and the constituents of each, as to justify its exercise on the ground of continued and uninterrupted usage; but that it was, nevertheless, highly expedient that appropriations, even of that character, should, with the exception made at the time, be deferred until the national debt is paid, and that, in the mean while, some general rule for the action of the Government in that respect ought to be established.

These suggestions were not necessary to the decision of the question then before me; and were, I readily admit, intended to awake the attention, and draw forth the opinions and observations, of our constituents, upon a subject of the highest importance to their interests, and one destined to exert a powerful influence upon the future operations of our political system. I know

of no tribunal to which a public man in this country, in a case of doubt and difficulty, can appeal with greater advantage or more propriety than the judgment of the people; and although I must necessarily, in the discharge of my official duties, be governed by the dictates of my own judgment, I have no desire to conceal my anxious wish to conform, as far as I can, to the views of those for whom I act.

All irregular expressions of public opinion are of necessity attended with some doubt as to their accuracy; but, making full allowances on that account, I cannot, I think, deceive myself in believing that the acts referred to, as well as the suggestions which I allowed myself to make in relation to their bearing upon the future operations of the Government, have been approved by the great body of the people. That those whose immediate pecuniary interests are to be affected by proposed expenditures should shrink from the application of a rule which prefers their more general and remote interests to those which are personal and immediate, is to be expected. But even such objections must, from the nature of our population, be but temporary in their duration; and if it were otherwise, our course should be the same; for the time is yet, I hope, far distant, when those entrusted with power to be exercised for the good of the whole, will consider it either honest or wise to purchase local favors at the sacrifice of principle and general good.

So understanding public sentiment, and thoroughly satisfied that the best interests of our common country imperiously require that the course which I have recommended in this regard should be adopted, I have, upon the most mature consideration, determined to pursue it.

It is due to candor, as well as to my own feelings, that I should express the reluctance and anxiety which I must at all times experience in exercising the undoubted right of the Executive to withhold his assent from bills on other grounds than their constitutionality. That this right should not be exercised on slight occasions, all will admit. It is only in matters of deep interest, when the principle involved may be justly regarded as next in importance to infractions of the Constitution itself, that such a step can be expected to meet with the approbation of the people. Such an occasion do I conscientiously believe the present to be. In the discharge of this delicate and highly responsible duty, I am sustained by the reflection that the exercise of this power has been deemed consistent with the obligation of official duty by several of my predecessors; and by the persuasion, too, that, whatever liberal institutions may have to fear from the encroachments of Executive power, which has been every where the cause of so much strife and bloody contention, but little danger is to be apprehended from a precedent by which that authority denies to itself the exercise of powers that bring in their train influence and patronage of great extent; and thus excludes the operation of personal interests, every where the bane of official trust. I derive, too, no small degree of satisfaction from the reflection, that, if I have mistaken the interests and wishes of the people, the Constitution affords the means of soon redressing the error, by selecting for the place their favor has bestowed upon me a citizen whose opinions may accord with their own. I trust, in the mean time, the interests of the nation will be saved from prejudice, by a rigid application of that portion of the public funds which might otherwise be applied to different objects to that highest of all our obligations, the payment of the public debt, and an opportunity be afforded for the adoption of some better rule, for the operations of the Government *in this matter, than any which has hitherto been acted upon.*

Profoundly impressed with the importance of the subject, not merely as it relates to the general prosperity of the country, but to the safety of the Federal system; I cannot avoid repeating my earnest hope that all good citizens, who take a proper interest in the success and harmony of our admirable political institutions, and who are incapable of desiring to convert an opposite state of things into a means for the gratification of personal ambition—will, laying aside minor considerations, and discarding local prejudices, unite their honest exertions to establish some fixed general principle, which shall be calculated to effect the greatest extent of public good in regard to the subject of internal improvement, and afford the least ground for sectional discontent.

The general grounds of my objection to local appropriations have been heretofore expressed; and I shall endeavor to avoid a repetition of what has been already urged—the importance of sustaining the State sovereignties, so far as is consistent with the rightful action of the Federal Government, and of preserving the greatest attainable harmony between them. I will now only add an expression of my conviction—a conviction which every day's experience serves to confirm—that the political creed which inculcates the pursuit of those great objects as a paramount duty is the true faith, and one to which we are mainly indebted for the present success of the entire system; and to which we must alone look for its future stability.

That there are diversities in the interests of the different States, which compose this extensive confederacy, must be admitted. Those diversities, arising from situation, climate, population, and pursuits, are doubtless, as it is natural they should be, greatly exaggerated by jealousies; and that spirit of rivalry so inseparable from neighboring communities. These circumstances make it the duty of those who are entrusted with the management of its affairs to neutralize their effects as far as practicable, by making the beneficial operation of the Federal Government as equal and equitable among the several States as can be done consistently with the great ends of its institution.

It is only necessary to refer to undoubted facts, to see how far the projects of the Government upon the subject under consideration have fallen short of this object. The expenditures heretofore made for internal improvements amount to upwards of five millions of dollars, and have been distributed in very unequal proportions amongst the States. The estimated expense of works, of which surveys have been made, together with that of others projected and partially surveyed, amount to more than ninety-six millions of dollars.

That such improvements, on account of particular circumstances, may be more advantageously and beneficially made in some States than in others, is doubtless true; but that they are of a character which should prevent an equitable distribution of the funds amongst the several States, is not to be conceded. The want of this equitable distribution cannot fail to prove a prolific source of irritation among the States.

We have it constantly before our eyes, that professions of superior zeal in the cause of internal improvement, and a disposition to lavish the public funds upon objects of this character, are daily and earnestly put forth by aspirants to power, as constituting the highest claims to the confidence of the people. Would it be strange, under such circumstances, and in times of great excitement, that grants of this description should find their motives in objects which may not accord with the public good? Those who have not had occasion to

see and regret the indication of a sinister influence in those matters in past times, have been more fortunate than myself in their observation of the course of public affairs. If to these evils be added the combinations and angry contentions to which such a course of things gives rise, with their baleful influences upon the legislation of Congress touching the leading and appropriate duties of the Federal Government, it was but doing justice to the character of our people to expect the severe condemnation of the past which the recent exhibitions of public sentiment has evinced.

Nothing short of a radical change in the action of the Government upon the subject can, in my opinion, remedy the evil. If, as it would be natural to expect, the States which have been least favored in past appropriations should insist on being redressed in those hereafter to be made, at the expense of the States which have so largely and disproportionately participated, we have, as matters now stand, but little security that the attempt would do more than change the inequality from one quarter to another.

Thus viewing the subject, I have heretofore felt it my duty to recommend the adoption of some plan for the distribution of the surplus funds which may at any time remain in the treasury after the national debt shall have been paid, among the States, in proportion to the number of their representatives, to be applied by them to objects of internal improvement.

Although this plan has met with favor in some portions of the Union, it has also elicited objections which merit deliberate consideration. A brief notice of these objections here will not, therefore, I trust, be regarded as out of place.

They rest, as far as they have come to my knowledge, on the following grounds: 1st, an objection to the ratio of distribution; 2d, an apprehension that the existence of such a regulation would produce improvident and oppressive taxation to raise the funds for distribution; 3d, that the mode proposed would lead to the construction of works of a local nature; to the exclusion of such as are general, and as would consequently be of a more useful character; and, last, that it would create a discreditable and injurious dependence, on the part of the State Governments, upon the federal power. Of those who object to the ratio of representation as the basis of distribution, some insist that the importations of the respective States would constitute one that would be more equitable; and others, again, that the extent of their respective territories would furnish a standard which would be more expedient, and sufficiently equitable. The ratio of representation presented itself to my mind, and it still does, as one of obvious equity, because of its being the ratio of contribution, whether the funds to be distributed be derived from the customs or from direct taxation. It does not follow, however, that its adoption is indispensable to the establishment of the system proposed. There may be considerations appertaining to the subject which would render a departure, to some extent, from the rule of contribution, proper. Nor is it absolutely necessary that the basis of distribution be confined to one ground. It may, if, in the judgment of those whose right it is to fix it, it be deemed politic and just to give it that character, have regard to several.

In my first message, I stated it to be my opinion that "it is not probable that any adjustment of the tariff upon principles satisfactory to the people of the Union, with, until a remote period, if ever, leave the Government without a considerable surplus in the treasury beyond what may be required for its current service." I have had no cause to change that opinion, but much to confirm it. Should these expectations be realized, a suitable fund would

their country; while those who seek to weaken their influence, are, however conscientious and praiseworthy, their intentions, in effect its worst enemies.

If the intelligence and influence of the country, instead of laboring to ferment sectional prejudices, to be made subservient to party warfare, were, in good faith, applied to the eradication of causes of local discontent, by the improvement of our institutions, and by facilitating their adaptation to the condition of the times, this task would prove one of less difficulty. May we not hope that the obvious interests of our common country, and the dictates of an enlightened patriotism, will, in the end, lead the public mind in that direction.

After all, the nature of the subject does not admit of a plan wholly free from objection. That which has for some time been in operation, is, perhaps, the worst that could exist; and every advance that can be made in its improvement is a matter eminently worthy of your most deliberate attention.

It is very possible that one better calculated to effect the objects in view may yet be devised. If so it is to be hoped that those who disapprove the past, and dissent from what is proposed for the future, will feel it their duty to direct their attention to it, as they must be sensible that, unless some fixed rule for the action of the Federal Government in this respect is established, the course now attempted to be arrested will be again resorted to. Any mode which is calculated to give the greatest degree of effect and harmony to our legislation upon the subject—which shall best serve to keep the movements of the Federal Government within the sphere intended by those who modelled and those who adopted it—which shall lead to the extinguishment of the national debt in the shortest period, and impose the lightest burthens upon our constituents, shall receive from me a cordial and firm support.

Among the objects of great national concern, I cannot omit to press again upon your attention that part of the Constitution which regulates the election of President and Vice President. The necessity for its amendment is made so clear to my mind by observation of its evils, and by the many able discussions which they have elicited on the floor of Congress and elsewhere, that I should be wanting to my duty were I to withhold another expression of my deep solicitude on the subject. Our system fortunately contemplates a recurrence to first principles, differing, in this respect, from all that have preceded it, and securing it, I trust, equally against the decay and the commotions which have marked the progress of other Governments. Our fellow-citizens, too, who, in proportion to their love of liberty, keep a steady eye upon the means of sustaining it, do not require to be reminded of the duty they owe to themselves to remedy all essential defects in so vital a part of their system. While they are sensible that every evil attendant upon its operation is not necessarily indicative of a bad organization, but may proceed from temporary causes; yet the habitual presence, or even a single instance of evils which can be clearly traced to an organic defect, will not, I trust, be overlooked through a too scrupulous veneration for the work of their ancestors. The Constitution was an experiment committed to the virtue and intelligence of the great mass of our countrymen, in whose ranks the framers of it themselves were to perform the part of patriotic observation and scrutiny; and if they have passed from the stage of existence with an increased confidence in its general adaptation to our condition, we should learn from authority so high the duty of fortifying the points in it which time

proves to be exposed, rather than be deterred from approaching them by the suggestions of fear, or the dictates of misplaced reverence.

A provision which does not secure to the people a direct choice of their Chief Magistrate, but has a tendency to defeat their will, presented to my mind such an inconsistency with the general spirit of our institutions, that I was induced to suggest for your consideration the substitute which appeared to me, at the same time, the most likely to correct the evil and to meet the views of our constituents. The most mature reflection since has added strength to the belief that the best interests of our country require the speedy adoption of some plan calculated to effect this end. A contingency which sometimes places it in the power of a single member of the House of Representatives to decide an election of so high and solemn a character, is unjust to the people; and becomes, when it occurs, a source of embarrassment to the individuals thus brought into power, and a cause of distrust of the representative body. Liable as the confederacy is, from its great extent, to parties founded upon sectional interests, and to a corresponding multiplication of candidates for the Presidency, the tendency of the constitutional reference to the House of Representatives, is, to devolve the election upon that body in almost every instance; and, whatever choice may then be made among the candidates thus presented to them, to swell the influence of particular interests to a degree inconsistent with the general good. The consequences of this feature of the Constitution appear far more threatening to the peace and integrity of the Union, than any which I can conceive as likely to result from the simple legislative action of the Federal Government.

It was a leading object with the framers of the Constitution to keep as separate as possible the action of the Legislative and Executive branches of the Government. To secure this object, nothing is more essential than to preserve the former from all temptations of private interest, and, therefore, so to direct the patronage of the latter as not to permit such temptations to be offered. Experience abundantly demonstrates that every precaution in this respect is a valuable safeguard of liberty, and one which my reflections upon the tendencies of our system incline me to think should be made still stronger. It was for this reason, that, in connexion with an amendment of the Constitution, removing all intermediate agency in the choice of the President, I recommended some restrictions upon the re-eligibility of that officer, and upon the tenure of offices generally. The reason still exists; and I renew the recommendation, with an increased confidence that its adoption will strengthen those checks by which the Constitution designed to secure the independence of each department of the Government, and promote the healthful and equitable administration of all the trusts which it has created. The agent most likely to contravene this design of the Constitution is the Chief Magistrate. In order, particularly, that his appointment may, as far as possible, be placed beyond the reach of any improper influences; in order that he may approach the solemn responsibilities of the highest office in the gift of a free people, uncommitted to any other course than the strict line of constitutional duty; and that the securities for this independence may be rendered as strong as the nature of power, and the weakness of its possessor, will admit; I cannot too earnestly invite your attention to the propriety of promoting such an amendment of the Constitution as will render him ineligible after one term of service.

It gives me pleasure to announce to Congress that the benevolent policy

of the Government, steadily pursued for nearly thirty years, in relation to the removal of the Indians beyond the white settlements, is approaching to a happy consummation. Two important tribes have accepted the provision made for their removal at the last session of Congress; and it is believed that their example will induce the remaining tribes, also, to seek the same obvious advantages.

The consequences of a speedy removal will be important to the United States, to individual States, and to the Indians themselves. The pecuniary advantages which it promises to the Government are the least of its recommendations. It puts an end to all possible danger of collision between the authorities of the General and State Governments, on account of the Indians. It will place a dense and civilized population in large tracts of country now occupied by a few savage hunters. By opening the whole territory between Tennessee on the north, and Louisiana on the south, to the settlements of the whites, it will incalculably strengthen the southwestern frontier, and render the adjacent States strong enough to repel future invasion without remote aid. It will relieve the whole State of Mississippi, and the western part of Alabama, of Indian occupancy, and enable those States to advance rapidly in population, wealth, and power. It will separate the Indians from immediate contact with settlements of whites; free them from the power of the States; enable them to pursue happiness in their own way, and under their own rude institutions; will retard the progress of decay, which is lessening their numbers; and perhaps cause them gradually, under the protection of the Government, and through the influence of good counsels, to cast off their savage habits, and become an interesting, civilized, and Christian community. These consequences, some of them so certain, and the rest so probable, make the complete execution of the plan sanctioned by Congress at their last session an object of much solicitude.

Towards the aborigines of the country no one can indulge a more friendly feeling than myself, or would go further in attempting to reclaim them from their wandering habits, and make them a happy, prosperous people. I have endeavored to impress upon them my own solemn convictions of the duties and powers of the General Government in relation to the State authorities. For the justice of the laws passed by the States within the scope of their reserved powers, they are not responsible to this Government. As individuals, we may entertain and express our opinions of their acts; but, as a Government, we have as little right to control them as we have to prescribe laws for other nations.

With a full understanding of the subject, the Choctaw and Chickasaw tribes have, with great unanimity, determined to avail themselves of the liberal offers presented by the act of Congress, and have agreed to remove beyond the Mississippi river. Treaties have been made with them, which, in due season, will be submitted for consideration. In negotiating these treaties, they were made to understand their true condition; and they have preferred maintaining their independence in the western forests to submitting to the laws of the States in which they now reside. These treaties being probably the last which will ever be made with them, are characterized by great liberality on the part of the Government. They give the Indians a liberal sum in consideration of their removal, and comfortable subsistence on their arrival at their new homes. If it be their real interest to maintain a separate existence, they will there be at liberty to do so without the in-

conveniences and vexations to which they would unavoidably have been subject in Alabama and Mississippi.

Humanity has often wept over the fate of the aborigines of this country; and philanthropy has been long busily employed in devising means to avert it. But its progress has never for a moment been arrested; and, one by one, have many powerful tribes disappeared from the earth. To follow to the tomb the last of his race, and to tread on the graves of extinct nations, excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another. In the monuments and fortresses of an unknown people, spread over the extensive regions of the west, we behold the memorials of a once powerful race, which was exterminated, or has disappeared, to make room for the existing savage tribes. Nor is there any thing in this, which, upon a comprehensive view of the general interests of the human race, is to be regretted. Philanthropy could not wish to see this continent restored to the condition in which it was found by our forefathers. What good man would prefer a country covered with forests and ranged by a few thousand savages, to our extensive republic, studded with cities, towns, and prosperous farms; embellished with all the improvements which art can devise, or industry execute; occupied by more than twelve millions of happy people, and filled with all the blessings of liberty, civilization, and religion!

The present policy of the Government is but a continuation of the same progressive change, by a milder process. The tribes which occupied the countries now constituting the eastern States, were annihilated, or have melted away, to make room for the whites. The waves of population and civilization are rolling to the westward; and we now propose to acquire the countries occupied by the red men of the south and west by a fair exchange, and, at the expense of the United States, to send them to a land where their existence may be prolonged, and perhaps made perpetual. Doubtless it will be painful to leave the graves of their fathers; but what do they more than our ancestors did, or than our children are now doing? To better their condition in an unknown land, our forefathers left all that was dear in earthly objects. Our children, by thousands, yearly leave the land of their birth, to seek new homes in distant regions. Does humanity weep at these painful separations from every thing, animate and inanimate, with which the young heart has become entwined? Far from it. It is rather a source of joy that our country affords scope where our young population may range unconstrained in body or in mind, developing the power and faculties of man in their highest perfection. These remove hundreds, and almost thousands of miles, at their own expense, purchase the lands they occupy, and support themselves at their new homes from the moment of their arrival. Can it be cruel in this Government, when, by events which it cannot control, the Indian is made discontented in his ancient home, to purchase his lands, to give him a new and extensive territory, to pay the expense of his removal, and support him a year in his new abode? How many thousands of our own people would gladly embrace the opportunity of removing to the west on such conditions! If the offers made to the Indians were extended to them, they would be hailed with gratitude and joy.

And is it supposed that the wandering savage has a stronger attachment to his home, than the settled, civilized Christian? Is it more afflicting to him to leave the graves of his fathers, than it is to our brothers and children? Rightly considered, the policy of the General Government towards the red

man is not only liberal but generous. He is unwilling to submit to the laws of the States, and mingle with their population. To save him from this alternative, or perhaps utter annihilation, the General Government kindly offers him a new home, and proposes to pay the whole expense of his removal and settlement.

In the consummation of a policy originating at an early period, and steadily pursued by every administration within the present century—so just to the States, and so generous to the Indians, the Executive feels it has a right to expect the co-operation of Congress, and of all good and disinterested men. The States, moreover, have a right to demand it. It was substantially a part of the compact which made them members of our confederacy. With Georgia, there is an express contract; with the new States, an implied one, of equal obligation. Why, in authorizing Ohio, Indiana, Illinois, Missouri, Mississippi, and Alabama, to form constitutions, and become separate States, did Congress include within their limits extensive tracts of Indian lands, and, in some instances, powerful Indian tribes? Was it not understood by both parties that the power of the States was to be co-extensive with their limits, and that, with all convenient despatch, the General Government should extinguish the Indian title, and remove every obstruction to the complete jurisdiction of the State Governments over the soil? Probably not one of those States would have accepted a separate existence—certainly it would never have been granted by Congress—had it been understood that they were to be confined forever to those small portions of their nominal territory, the Indian title to which had at the time been extinguished.

It is, therefore, a duty which this Government owes to the new States, to extinguish, as soon as possible, the Indian title to all lands which Congress themselves have included within their limits. When this is done, the duties of the General Government in relation to the States and the Indians within their limits are at an end. The Indians may leave the State or not, as they choose. The purchase of their lands does not alter, in the least, their personal relations with the State Government. No act of the General Government has ever been deemed necessary to give the States jurisdiction over the persons of the Indians. That they possess, by virtue of their sovereign power within their own limits, in as full a manner before as after the purchase of the Indian lands; nor can this Government add to or diminish it.

May we not hope, therefore, that all good citizens, and none more zealously than those who think the Indians oppressed by subjection to the laws of the States, will unite in attempting to open the eyes of those children of the forest to their true condition, and, by a speedy removal, to relieve them from all the evils, real or imaginary, present or prospective, with which they may be supposed to be threatened.

Among the numerous causes of congratulation, the condition of our impost revenue deserves special mention, inasmuch as it promises the means of extinguishing the public debt sooner than was anticipated, and furnishes a strong illustration of the practical effects of the present tariff upon our commercial interests.

The object of the tariff is objected to by some as unconstitutional; and it is considered by almost all as defective in many of its parts.

The power to impose duties on imports originally belonged to the several States. The right to adjust those duties with a view to the encouragement of domestic branches of industry is so completely incidental to that power, that it is difficult to suppose the existence of the one without the other. The

States have delegated their whole authority over imports to the General Government, without limitation or restriction, saving the very inconsiderable reservation relating to their inspection laws. This authority having thus entirely passed from the States, the right to exercise it for the purpose of protection does not exist in them; and, consequently, if it be not possessed by the General Government, it must be extinct. Our political system would thus present the anomaly of a people stripped of the right to foster their own industry, and to counteract the most selfish and destructive policy which might be adopted by foreign nations. This surely cannot be the case: this indispensable power, thus surrendered by the States, must be within the scope of the authority on the subject expressly delegated to Congress.

In this conclusion, I am confirmed as well by the opinions of Presidents Washington, Jefferson, Madison, and Monroe, who have each repeatedly recommended the exercise of this right under the Constitution, as by the uniform practice of Congress, the continued acquiescence of the States, and the general understanding of the people.

The difficulties of a more expedient adjustment of the present tariff, although great, are far from being insurmountable. Some are unwilling to improve any of its parts, because they would destroy the whole: others fear to touch the objectionable parts, lest those they approve should be jeopardized. I am persuaded that the advocates of these conflicting views do injustice to the American people, and to their Representatives. The general interest is the interest of each: and my confidence is entire, that, to ensure the adoption of such modifications of the tariff as the general interest requires, it is only necessary that that interest should be understood.

It is an infirmity of our nature to mingle our interests and prejudices with the operation of our reasoning powers, and attribute to the objects of our likes and dislikes qualities they do not possess, and effects they cannot produce. The effects of the present tariff are doubtless overrated, both in its evils and in its advantages. By one class of reasoners, the reduced price of cotton and other agricultural products is ascribed wholly to its influence, and by another, the reduced price of manufactured articles. The probability is, that neither opinion approaches the truth, and that both are induced by that influence of interests and prejudices to which I have referred. The decrease of prices extends throughout the commercial world, embracing not only the raw material and the manufactured article, but provisions and lands. The cause must, therefore, be deeper and more pervading than the tariff of the United States. It may, in a measure, be attributable to the increased value of the precious metals, produced by a diminution of the supply, and an increase in the demand; while commerce has rapidly extended itself, and population has augmented. The supply of gold and silver, the general medium of exchange, has been greatly interrupted by civil convulsions in the countries from which they are principally drawn. A part of the effect, too, is doubtless owing to an increase of operatives and improvements in machinery. But, on the whole, it is questionable whether the reduction in the price of lands, produce, and manufactures, has been greater than the appreciation of the standard of value.

While the chief object of duties should be revenue, they may be so adjusted as to encourage manufactures. In this adjustment, however, it is the duty of the Government to be guided by the general good. Objects of national importance alone ought to be protected: of these the productions of

our soil, our mines, and our workshops, essential to national defence, occupy the first rank. Whatever other species of domestic industry, having the importance to which I have referred, may be expected, after temporary protection, to compete with foreign labor on equal terms, merit the same attention in a subordinate degree.

The present tariff taxes some of the comforts of life unnecessarily high: it undertakes to protect interests too local and minute to justify a general exaction; and it also attempts to force some kinds of manufactures for which the country is not ripe. Much relief will be derived, in some of these respects, from the measures of your last session.

The best, as well as fairest mode of determining whether, from any just considerations, a particular interest ought to receive protection, would be to submit the question singly for deliberation. If, after due examination of its merits, unconnected with extraneous considerations—such as a desire to sustain a general system, or to purchase support for a different interest—it should enlist in its favor a majority of the Representatives of the people, there can be little danger of wrong or injury in adjusting the tariff with reference to its protective effect. If this obviously just principle were honestly adhered to, the branches of industry which deserve protection would be saved from the prejudice excited against them, when that protection forms part of a system by which portions of the country feel, or conceive themselves to be, oppressed. What is incalculably more important, the vital principle of our system—that principle which requires acquiescence in the will of the majority—would be secure from the discredit and danger to which it is exposed by the acts of majorities, founded, not on identity of conviction, but on combinations of small minorities, entered into for the purpose of mutual assistance in measures which, resting solely on their own merits, could never be carried.

I am well aware that this is a subject of so much delicacy, on account of the extended interests it involves, as to require that it should be touched with the utmost caution; and that, while an abandonment of the policy in which it originated—a policy coeval with our Government, and pursued through successive administrations, is neither to be expected or desired, the people have a right to demand, and have demanded, that it be so modified as to correct abuses and obviate injustice.

That our deliberations on this interesting subject should be uninfluenced by those partizan conflicts that are incident to free institutions, is the fervent wish of my heart. To make this great question, which unhappily so much divides and excites the public mind, subservient to the short-sighted views of faction, must destroy all hope of settling it satisfactorily to the great body of the people, and for the general interest. I cannot, therefore, in taking leave of the subject, too earnestly for my own feelings or the common good, warn you against the blighting consequences of such a course.

According to the estimates at the Treasury Department, the receipts in the treasury during the present year will amount to twenty-four millions one hundred and sixty-one thousand and eighteen dollars, which will exceed by about three hundred thousand dollars the estimate presented in the last annual report of the Secretary of the Treasury. The total expenditure during the year, exclusive of public debt, is estimated at thirteen millions seven hundred and forty-two thousand three hundred and eleven dollars; and the payment on account of public debt for the same period will have been eleven millions three hundred and fifty-four thousand six hundred and

thirty dollars; leaving a balance in the treasury, on the first of January, eighteen hundred and thirty-one, of four millions eight hundred and nineteen thousand seven hundred and eighty-one dollars.

In connexion with the condition of our finances, it affords me pleasure to remark that judicious and efficient arrangements have been made by the Treasury Department for securing the pecuniary responsibility of the public officers, and the more punctual payment of the public dues. The revenue cutter service has been organized and placed on a good footing, and aided by an increase of inspectors at exposed points; and regulations adopted under the act of May, 1830, for the inspection and appraisement of merchandise, have produced much improvement in the execution of the laws, and more security against the commission of frauds upon the revenue. Abuses in the allowances for fishing bounties have also been corrected, and a material saving in that branch of the service thereby effected. In addition to these improvements, the system of expenditure for sick seamen belonging to the merchant service has been revised; and, being rendered uniform and economical, the benefits of the fund applicable to this object have been usefully extended.

The prosperity of our country is also further evinced by the increased revenue arising from the sale of public lands, as will appear from the report of the Commissioner of the General Land Office, and the documents accompanying it, which are herewith transmitted. I beg leave to draw your attention to this report, and to the propriety of making early appropriations for the objects which it specifies.

Your attention is again invited to the subjects connected with that portion of the public interests entrusted to the War Department. Some of them were referred to in my former message; and they are presented in detail in the report of the Secretary of War, herewith submitted. I refer you, also, to the report of that officer for a knowledge of the state of the army, fortifications, arsenals, and Indian affairs; all of which, it will be perceived, have been guarded with zealous attention and care. It is worthy of your consideration whether the armaments necessary for the fortifications on our maritime frontier, which are now, or shortly will be, completed, should not be in readiness sooner than the customary appropriations will enable the Department to provide them. This precaution seems to be due to the general system of fortification which has been sanctioned by Congress, and is recommended by that maxim of wisdom which tells us in peace to prepare for war.

I refer you to the report of the Secretary of the Navy for a highly satisfactory account of the manner in which the concerns of that Department have been conducted during the present year. Our position in relation to the most powerful nations of the earth, and the present condition of Europe, admonish us to cherish this arm of our national defence with peculiar care. Separated by wide seas from all those Governments whose power we might have reason to dread, we have nothing to apprehend from attempts at conquest. It is chiefly attacks upon our commerce, and harassing inroads upon our coast, against which we have to guard. A naval force adequate to the protection of our commerce, always afloat, with an accumulation of the means to give it a rapid extension in case of need, furnishes the power by which all such aggressions may be prevented or repelled. The attention of the Government has, therefore, been recently directed more to preserving the public vessels already built, and providing materials to be placed in dépôt

for future use, than to increasing their number. With the aid of Congress, in a few years, the Government will be prepared, in case of emergency, to put afloat a powerful navy of new ships almost as soon as old ones could be repaired.

The modifications in this part of the service, suggested in my last annual message, which are noticed more in detail in the report of the Secretary of the Navy, are again recommended to your serious attention.

The report of the Postmaster General, in like manner, exhibits a satisfactory view of the important branch of the Government under his charge. In addition to the benefits already secured by the operations of the Post Office Department, considerable improvements within the present year have been made by an increase in the accommodation afforded by stage coaches, and in the frequency and celerity of the mail between some of the most important points of the Union.

Under the late contracts, improvements have been provided for the southern section of the country, and, at the same time, an annual saving made of upwards of seventy-two thousand dollars. Notwithstanding the excess of expenditure beyond the current receipts for a few years past, necessarily incurred in the fulfilment of existing contracts, and in the additional expenses, between the periods of contracting, to meet the demands created by the rapid growth and extension of our flourishing country; yet the satisfactory assurance is given, that the future revenue of the Department will be sufficient to meet its extensive engagements. The system recently introduced, that subjects its receipts and disbursements to strict regulation, has entirely fulfilled its designs. It gives full assurance of the punctual transmission, as well as the security of the funds of the Department. The efficiency and industry of its officers, and the ability and energy of contractors, justify an increased confidence in its continued prosperity.

The attention of Congress was called, on a former occasion, to the necessity of such a modification in the office of Attorney General of the United States as would render it more adequate to the wants of the public service. This resulted in the establishment of the office of Solicitor of the Treasury; and the earliest measures were taken to give effect to the provisions of the law which authorized the appointment of that officer, and defined his duties. But it is not believed that this provision, however useful in itself, is calculated to supersede the necessity of extending the duties and powers of the Attorney General's office. On the contrary, I am convinced that the public interest would be greatly promoted by giving to that officer the general superintendence of the various law agents of the Government, and of all law proceedings, whether civil or criminal, in which the United States may be interested, allowing him, at the same time, such a compensation as would enable him to devote his undivided attention to the public business. I think such a provision is alike due to the public and to the officer.

Occasions of reference from the different Executive Departments to the Attorney General are of frequent occurrence; and the prompt decision of the questions so referred tends much to facilitate the despatch of business in those Departments. The report of the Secretary of the Treasury, heretofore appended, shows also a branch of the public service not specifically entrusted to any officer, which might be advantageously committed to the Attorney General.

But, independently of those considerations, this office is now one of daily

duty. It was originally organized, and its compensation fixed, with a view to occasional service, leaving to the incumbent time for the exercise of his profession in private practice. The state of things which warranted such an organization no longer exists. The frequent claims upon the services of this officer would render his absence from the Seat of Government, in professional attendance upon the courts, injurious to the public service; and the interests of the Government could not fail to be promoted by charging him with the general superintendence of all its legal concerns.

Under a strong conviction of the justness of these suggestions, I recommend it to Congress to make the necessary provisions for giving effect to them, and to place the Attorney General, in regard to compensation, on the same footing with the heads of the several Executive Departments. To this officer might also be intrusted a cognizance of the cases of insolvency in public debtors, especially if the views which I submitted on this subject last year should meet the approbation of Congress—to which I again solicit your attention.

Your attention is respectfully invited to the situation of the District of Columbia. Placed, by the Constitution, under the exclusive jurisdiction and control of Congress, this District is certainly entitled to a much greater share of its consideration than it has yet received. There is a want of uniformity in its laws, particularly in those of a penal character, which increases the expense of their administration, and subjects the people to all the inconveniences which result from the operation of different codes in so small a territory. On different sides of the Potomac, the same offence is punishable in unequal degrees; and the peculiarities of many of the early laws of Maryland and Virginia remain in force, notwithstanding their repugnance, in some cases, to the improvements which have superseded them in those States.

Besides a remedy for these evils, which is loudly called for, it is respectfully submitted whether a provision authorizing the election of a Delegate to represent the wants of the citizens of this District on the floor of Congress, is not due to them, and to the character of our Government. No portion of our citizens should be without a practical enjoyment of the principles of freedom; and there is none more important than that which cultivates a proper relation between the governors and the governed. Imperfect as this must be in this case, yet it is believed that it would be greatly improved by a representation in Congress, with the same privileges that are allowed to the other Territories of the United States.

The penitentiary is ready for the reception of convicts, and only awaits the necessary legislation to put it into operation; as one object of which, I beg leave to recal your attention to the propriety of providing suitable compensation for the officers charged with its inspection.

The importance of the principles involved in the inquiry, whether it will be proper to recharter the Bank of the United States, requires that I should again call the attention of Congress to the subject. Nothing has occurred to lessen, in any degree, the dangers which many of our citizens apprehend from that institution, as at present organized. In the spirit of improvement and compromise which distinguishes our country and its institutions, it becomes us to inquire, whether it be not possible to secure the advantages afforded by the present bank, through the agency of a Bank of the United States, so modified in its principles and structure as to obviate constitutional and other objections.

It is thought practicable to organize such a bank, with the necessary offi-

cers, as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers, it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests, of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, though issuing no paper, would check the issues of the State banks, by taking their notes in deposit, and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.

These suggestions are made, not so much as a recommendation, as with a view of calling the attention of Congress to the possible modifications of a system which cannot continue to exist in its present form without occasional collisions with the local authorities, and perpetual apprehensions and discontent on the part of the States and the people.

In conclusion, fellow-citizens, allow me to invoke, in behalf of your deliberations, that spirit of conciliation and disinterestedness which is the gift of patriotism. Under an overruling and merciful Providence, the agency of this spirit has thus far been signalized in the prosperity and glory of our beloved country. May its influence be eternal.

ANDREW JACKSON.

December 6, 1830.

The message was read; and,

On motion by Mr. King,

Ordered, That 5,000 copies thereof, and 1,500 copies of the documents accompanying it, be printed for the use of the Senate.

The President stated that the bill which originated in the Senate, and passed by the two Houses of Congress, at the last session, entitled "An act to authorize a subscription for stock on the part of the United States in the Louisville and Portland Canal Company," was now returned by the President of the United States, with his objections; and desired the sense of the Senate as to what order is proper thereon.

On motion by Mr. Foot,

Ordered, That the subject lie on the table.

The Senate then adjourned.

WEDNESDAY, DECEMBER 8, 1830.

The President communicated a letter from the Secretary of the Senate, accompanied by statements, showing the names and compensations of the clerks and messenger employed in his office, and of the messengers in the employment of the Senate, and the amount of the contingent expenses of the Senate during the last session.

On motion by Mr. King,

Ordered, That the letter and statements be referred to the committee

appointed to audit and control the contingent expenses of the Senate, and printed

Mr. Bell presented the petition of Moses White, executor of Moses Hazen, deceased, praying for an equitable settlement of the revolutionary claims of the deceased; and

The petition of Lucien Harper, praying for the payment of a loan office certificate, issued in 1779.

Ordered, That said petitions be referred to the Committee of Claims.

Mr. Bell presented the petition of Joseph Gray, praying for a pension in consideration of revolutionary services; and

Ordered, That it be referred to the Committee on Pensions

Mr. Dudley presented the petition of the heirs of Barent J. Staats, deceased, praying that the claim of the deceased for advances made on public account in the revolutionary war, may be paid; and

Ordered, That it be referred to the Committee of Claims.

On motion by Mr. Johnston,

Ordered, That so much of the President's message as relates to the finances of the United States, be referred to the Committee on Finance.

On motion by Mr. White,

Ordered, That so much of the President's message as relates to the Indians, be referred to the Committee on Indian Affairs.

On motion by Mr. Grundy,

Ordered, That so much of the President's message as relates to the Post Office Department, be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. Barton,

Ordered, That so much of the President's message and the documents accompanying it as relates to the public lands, be referred to the Committee on Public Lands.

On motion by Mr. White,

Ordered, That so much of the President's message as relates to foreign affairs, be referred to the Committee on Foreign Relations.

On motion by Mr. Robbins,

Ordered, That so much of the President's message as relates to the Navy, be referred to the Committee on Naval Affairs.

On motion by Mr. Woodbury,

Ordered, That so much of the President's message as relates to commerce, be referred to the Committee on Commerce.

On motion by Mr. Dickerson,

Ordered, That so much of the President's message as relates to manufactures, be referred to the Committee on Manufactures.

On motion by Mr. Chambers,

Ordered, That so much of the President's message as relates to the District of Columbia, be referred to the Committee on the District of Columbia.

On motion by Mr. Hendricks,

Ordered, That so much of the President's message as relates to roads and canals, and the internal improvement of the United States, be referred to the Committee on Roads and Canals.

On motion by Mr. Troup,

Ordered, That so much of the President's message as relates to the Army, be referred to the Committee on Military Affairs.

The Senate then adjourned.

THURSDAY, DECEMBER 9, 1830.

The Honorable Nathan Sanford, from the State of New York, attended.

Mr. Holmes presented the petition of the inhabitants of the town of Wells, in the State of Maine, praying that piers may be erected for the improvement of the navigation of their harbor; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Hendricks presented the petition of Henry Weist, praying to be compensated for carrying the mail from Baltimore, Maryland, to Carlisle, Pennsylvania, in the years 1803 and 1804; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Barton presented the petition of Andrew S. McGirk, praying to be compensated for the risk and labor of transporting moneys received by him, as Receiver for the western land district of Missouri, to the Branch Bank at Louisville, Kentucky, by order of the Secretary of the Treasury; and

Ordered, That it be referred to the Committee on Public Lands.

Agreeably to notice given, Mr. Foot asked and obtained leave to bring in a bill for the relief of Ransom Mix and Edmund Smith; which was read; and

Ordered, That it pass to a second reading.

On motion by Mr. Sanford, and by unanimous consent,

Resolved, That a select committee be appointed to consider the state of the current coins, and to report such amendments of the existing laws concerning coins as may be deemed expedient.

Ordered, That Mr. Sanford, Mr. Dickerson, Mr. Iredell, Mr. Woodbury, and Mr. Clayton, be the committee.

After the consideration of Executive business,

On motion by Mr. Ellis,

Resolved unanimously, That the members of the Senate, from a desire of showing every mark of respect to the memory of the Honorable Robert H. Adams, deceased, late a Senator of this body from the State of Mississippi, will go into mourning for one month by wearing crape on the left arm.

On motion by Mr. Kane,

Resolved unanimously, That the members of the Senate, for the purpose of showing a proper respect to the memory of the Honorable John McLean, deceased, late a Senator from the State of Illinois, will go into mourning for one month by wearing crape on the left arm.

On motion by Mr. Ellis,

Resolved unanimously, That, as an additional evidence of respect to the memory of the deceased Senators from Mississippi and Illinois, the Senate do now adjourn to meet on Monday next at 11 o'clock.

The Senate adjourned accordingly.

MONDAY, DECEMBER 13, 1830.

The Honorable John M. Clayton, from the State of Delaware, the Honorable John Forsyth, from the State of Georgia, and the Honorable Dudley Chase, from the State of Vermont, severally attended.

The President presented the memorial of A. J. Lewis, and Lewis & Company, merchants of the city of Philadelphia, praying that the additional duties imposed by the tariff of 1828, and paid by them on the importation of sundry

articles of merchandise ordered for their use before the passage of the act, may be refunded; and

Ordered, That it be referred to the Committee on Finance.

The President presented the petition of John S. Stiles, of Baltimore, praying to be granted the relief intended by the act of Congress, passed 29th May, 1830, for the relief of sundry owners of vessels sunk for the defence of Baltimore; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Sanford presented the petition of the passed midshipmen in the Navy, praying for an increase of compensation; and

Ordered, That it be referred to the Committee on Naval Affairs.

Mr. King presented the petition of Thomas Casey, administrator of the estate of Joseph Noble, late of Alabama, deceased, praying that the heirs and creditors of the deceased, through him, may be authorized to avail themselves of the benefits of the acts of Congress for the relief of purchasers of public lands, in relation to a tract of land purchased by the deceased in his lifetime, and afterwards forfeited; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Chambers presented memorials of Jacob Adams, George F. de la Roche, for William L. Sountag & Company, and the administrator of William Presstman, deceased, severally praying indemnity for spoliations committed on their property by the French, prior to the year 1800; and,

On motion by Mr. Chambers,

Resolved, That the memorials be referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise.

Ordered, That Mr. Livingston, Mr. Chambers, Mr. Silsbee, Mr. Sanford, and Mr. Holmes, be the committee.

On motion by Mr. Sprague,

Ordered, That the petitions of Peter H. Green and Ebenezer Lobdell, presented to the Senate at the last session, be referred to the Committee of Claims.

Mr. Burnet presented the petition of John Adamson, praying for an extension of the patent granted for his improvement in a floating dry dock; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Dudley presented the memorial of Josiah Skinner, an officer of the revolutionary army, praying for a pension;

Mr. Chambers presented the petition of John Mercer, of Maryland, praying for a pension;

Mr. Woodbury presented the petition of Daniel Jewell, and the petition of Daniel Tilton; severally praying for pensions in consideration of revolutionary services.

Mr. Benton presented the petition of Aaron Fitzgerald, a pensioner of the United States, praying for an increase of his pension.

Ordered, That the memorial and four petitions last mentioned be referred to the Committee on Pensions.

Mr. Chambers presented the memorial of Salvator Pinistri, stating that he has designed a small allegorical temple, which he calls the "Triumph of the United States, and Monument of General Washington;" and which he proposes to erect opposite the eastern front of the Capitol, if patronised by Congress; and

Ordered, That it be referred to the Committee on the District of Columbia.

Mr. Benton presented the petition of the widow of Clement B. Penrose, late of Missouri, deceased, praying that the claim of the deceased as Commissioner under the act of the 2d March, 1805, "for ascertaining and adjusting the titles and claims to lands within the Territory of Orleans and the District of Louisiana," may be paid; and

Ordered, That it be referred to the Committee on Private Land Claims, Mr. Benton presented the petition of the President and faculty of the college of St. Louis, praying for the aid of Congress by the grant of a township of land; and

Ordered, That it be referred to the Committee on Public Lands.

On motion by Mr. Kane,

Ordered, That so much of the President's message as relates to the subject, be referred to the Committee on Private Land Claims.

On motion by Mr. Benton,

Ordered, That Joseph C. Belt, George Stockton, and the sureties of Amos Edwards, have leave to withdraw their respective petitions and papers.

On motion by Mr. Chambers,

Ordered, That Elizabeth Scott have leave to withdraw her petition and papers.

On motion by Mr. Foot, and by unanimous consent,

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing the name of Judah Roberts, a revolutionary soldier, on the invalid pension roll.

Agreeably to notice given, Mr. Knight asked and obtained leave to bring in a bill to provide for the further compensation of the Marshal of the district of Rhode Island; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Sprague asked and obtained leave to bring in a bill for the relief of Simeon C. Whittier; which was read twice, by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Finance.

The bill for the relief of Ransom Mix and Edmund Smith was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Pensions.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed a resolution for the appointment of two Chaplains to Congress, to serve during the present session; and

A resolution for the appointment of a Joint Committee on the Library of Congress, and have appointed a committee on their part; in which resolutions they request the concurrence of the Senate.

The resolution for the appointment of Chaplains was read; and,

On motion by Mr. Chambers,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Chambers,

Resolved, That the Senate will, at half past eleven o'clock to-morrow proceed to the election of a Chaplain on their part.

The resolution for the appointment of a Joint Committee on the Library of Congress was read; and,

On motion by Mr. King,

Resolved, That the Senate concur therein.

Ordered, That Mr. Robbins, Mr. Woodbury, and Mr. Frelinghuysen, be the committee on the part of the Senate.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I transmit to the Senate printed copies of the convention between the United States and His Majesty the King of Denmark, concluded at Copenhagen on the 28th March, 1830, and ratified by and with the advice and consent of the Senate.

ANDREW JACKSON.

WASHINGTON, 10th December, 1830.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow.

TUESDAY, DECEMBER 14, 1830.

The President presented the memorial of the Baltimore and Ohio Rail Road Company, stating that they are about to construct a lateral rail way to the District of Columbia, and praying to be authorized to continue the same to such point or points within the District as shall be found most convenient to the public; and

Ordered, That it be referred to the Committee on Roads and Canals.

Mr. Ruggles presented the petition of the widow of Charles McLean, late a lieutenant in the army, praying that certain suspended items in the account of the deceased may be allowed and paid.

Mr. Sanford presented the petition of John Daly, a Canadian refugee, praying to be indemnified for the confiscation of his estate by the British authorities, in consequence of his adhesion to the United States during the late war.

Mr. Ruggles presented the petition of Jeremiah Basye, heir at law of Benjamin and Jesse Basye, who died in the military service of the United States during the revolutionary war, praying that their claims for bounty in money and land may be paid.

Ordered, That the three petitions last mentioned be referred to the Committee of Claims.

Mr. Poindexter presented the memorial of the Legislature of the State of Mississippi, praying that a section of land may be located for the benefit of the school fund in Lawrence county, in lieu of the sixteenth section.

Mr. Poindexter presented the petition of William Howze and G. B. Damerson, Register and Receiver of the Land Office at Jackson Court House, in the State of Mississippi, praying that an allowance may be made to them for office rent and fuel.

Ordered, That the memorial and petition last mentioned be referred to the Committee on Public Lands.

Mr. Naudain presented the petition of Stephen Pleasonton, late Agent of the Treasury, praying to be compensated for his services.

Mr. Silsbee presented the petition of Thomas L. Winthrop and others, rectors of the Mississippi Land Company, praying to be indemnified for quantity of land which they relinquished to the United States, under an act providing indemnification of certain claimants of public land in the Mississippi Territory."

Ordered, That the two petitions last mentioned be referred to the Committee on the Judiciary.

Mr. Kane presented the petition of William Howard, praying for a pension in consideration of an incurable disease contracted in the military service of the United States; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Silsbee presented the petition of the inhabitants of Sandy Bay, Massachusetts, praying that an appropriation may be made for the improvement of their harbor; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Silsbee presented the petition of Benjamin Marston Watson, administrator *de bonis non* of the estate of Marston Watson, deceased, praying to be indemnified for losses sustained by the spoliations of the French on the property of the deceased, prior to the year 1800; and

Ordered, That it be referred to the select committee appointed yesterday on that subject.

On motion by Mr. Iredell,

Ordered, That the several petitions presented to the Senate at the last session, and now on file, asking indemnity for French spoliations, be referred to the last mentioned committee.

On motion by Mr. Forsyth,

Ordered, That the petition of Farish Carter, presented to the Senate at the last session, be referred to the Committee of Claims.

On motion by Mr. Chambers,

Ordered, That the petition of Augustine Taney and wife, presented to the Senate at the last session, be referred to the Committee of Claims.

On motion by Mr. Dickerson,

Resolved, That so much of the President's message as relates to the distribution of the surplus funds of the United States after the payment of the national debt, be referred to a select committee, to consist of five members, to consider and report thereon by bill or otherwise.

Ordered, That Mr. Dickerson, Mr. Sanford, Mr. Woodbury, Mr. Seymour, and Mr. Grundy, be the committee.

Agreeably to notice given, Mr. Benton asked and obtained leave to bring a bill to authorize the mounting and equipment of a part of the Army of the United States; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Woodbury asked and obtained leave to bring in a bill extending further the right of debenture to the port of Key West, and altering the limits of the district of Key West; which was read; and

Ordered, That it pass to a second reading.

Agreeably to the order of the day, the Senate proceeded to the election of a Chaplain on their part; and, on counting the ballots, it appeared that the Rev. Henry Van Dyke Johns had a majority, and was elected.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill extending further the right of debenture to the port of Key West, and altering the limits of the district of Key West, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Commerce.

The Senate then adjourned.

THURSDAY, DECEMBER 16, 1830.

The Honorable Daniel Webster, from the State of Massachusetts, attended. The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate and House of Representatives:

GENTLEMEN: From information received at the Department of State, it is ascertained that, owing to unforeseen circumstances, several of the Marshals have been unable to complete the enumeration of the inhabitants of the United States within the time proscribed by the act of the 23d March, 1830, viz: by the first day of the present month.

As the completion of the fifth census, as respects several of the States of the Union, will have been defeated, unless Congress, to whom the case is submitted, shall, by an act of the present session, allow farther time for making the returns in question, the expediency is suggested of allowing such an act to pass at as early a day as possible.

ANDREW JACKSON.

WASHINGTON, 15th December, 1830.

On motion by Mr. Webster,

Ordered, That the message be referred to the Committee on the Judiciary.

The President communicated the report of the Secretary of the Treasury on the state of the finances of the United States; and,

On motion by Mr. Silsbee,

Ordered, That it be printed, and that 1500 additional copies thereof be sent to the Senate.

Mr. Ellis presented the memorial of the Legislature of the State of Mississippi, praying that the president and trustees of Franklin academy may be authorized to sell certain school lands in Monroe county, in that State.

He also presented the petition of Samuel Cobun, stating that he became the purchaser of a tract of land in Claiborne county, Mississippi, the title of which had been confirmed by the Commissioners for adjusting land titles in that county, and that a part of it appears to be included in a tract sold by the United States to another person; and praying for relief.

Ordered, That the memorial and petition be referred to the Committee on Public Lands.

Mr. Ellis presented the petition of the heirs of Palser Shilling, praying that their claim to certain land may be confirmed; and

Ordered, That it be referred to the Committee on Private Land Claims.

Mr. Sanford presented the memorial of the "New York Institution for the instruction of the Deaf and Dumb," praying for the aid of Congress by donation in land; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Marks presented the petition of George W. Dun & Company, merchants of Philadelphia, praying to be allowed the benefit of drawback on the transportation of two cases of imported muslins; and

Ordered, That it be referred to the Committee on Finance.

Mr. White presented the petition of William Scott, praying for a pension in consideration of diseases contracted in the discharge of his duties as a Lieutenant in the army.

Mr. Noble presented the petition of William Christy, praying for a pension in consideration of a wound received in the military service of the United States.

Mr. Woodbury presented the petition of Thomas Emery, praying for a pension in consideration of revolutionary services.

Ordered, That the three petitions last mentioned be referred to the Committee on Pensions.

Mr. Johnston presented the petition of John Culbertson, praying to be paid for his services as interpreter to the district court of the United States for the eastern district of Louisiana; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Dudley presented the memorial of Jonathan Crocker, late a pensioner of the United States, praying to be restored to the pension roll; and

Ordered, That it be referred to the Committee on Pensions.

On motion by Mr. Tyler,

Ordered, That the petition of Daniel Steenrod, presented at the last session, be referred to the Committee of Claims.

Mr. Holmes, from the Committee on Pensions, to whom was referred the petition of Aaron Fitzgerald, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

Mr. Foot, from the Committee on Pensions, to whom was referred the bill for the relief of Ransom Mix and Edmund Smith, reported it without amendment.

Agreeably to notice given, Mr. Noble asked and obtained leave to bring in a bill authorizing the sale of a tract of land therein mentioned; which was read twice by unanimous consent, and considered as in Committee of the Whole.

Ordered, That the bill and the documents of David Guard, presented at the last session, be referred to the Committee on Public Lands.

Agreeably to notice given, Mr. Noble asked and obtained leave to bring in a bill for the relief of Thomas Fitzgerald; which was read twice by unanimous consent, and considered as in Committee of the Whole.

Ordered, That the bill, and the documents relating thereto, on the files of the last session, be referred to the Committee on Pensions.

Agreeably to notice given, Mr. Silsbee asked and obtained leave to bring in a bill for the relief of Joseph E. Sprague; which was read; and

Ordered, That it pass to a second reading.

Mr. Johnston, from the Committee on Finance, to whom was referred the bill for the relief of Simeon C. Whittier, reported it without amendment, accompanied by a special report thereon.

Ordered, That the report be printed.

Agreeably to notice given, Mr. Silsbee asked and obtained leave to bring in a bill for the relief of Ebenezer Rollins; which was read; and

Ordered, That it pass to a second reading.

Mr. Marks, from the Committee on Pensions, to whom the subject was referred by a resolution of the Senate of the 13th instant, reported a bill granting a petition to Judah Roberts; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Johnston asked and obtained leave to bring in a bill for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Dickerson asked and obtained leave to bring in a bill for the relief of Thomas Cooper, of South Carolina; which was read; and

Ordered, That it pass to a second reading.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the bill to authorize the mounting and equipment of a part of the army of the United States, reported it without amendment.

The following motion, submitted by Mr. Sprague, was considered and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of so amending the laws relative to passports and clearances of vessels of the United States, as to relieve them from the payment of unnecessary fees.

The following motion, submitted by Mr. Marks, was considered and agreed to:

Resolved, That the Committee on Military Affairs inquire into the expediency of allowing to William Morrow, late a Captain in the United States' army, the difference of pay and subsistence between the grades of a Captain and First Lieutenant, from the first of January, 1814, to the first of September of that year, he having served in the capacity of a Captain during that period, for which service he has received no compensation.

The following motion, submitted by Mr. Chambers, was considered and agreed to:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of further extending the term of half pay pensions to the widows and children of certain officers, seamen, and marines, who died after the late war of wounds received or diseases contracted in the public service; and, also, in private armed vessels.

The bill to establish a port of delivery at Port Pontchartrain, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Commerce.

The bill for the relief of Don Carlos Dehault Delassus was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Military Affairs.

The bill for the relief of George Johnston; and

The bill prescribing the modes of commencing, prosecuting, and deciding controversies between States; were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That they be referred to the Committee on the Judiciary.

The bill to improve the navigation of the Monongahela and Alleghany rivers, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Roads and Canals.

The bill for the relief of John Brunson was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee of Claims.

The bill concerning the gold coins of the United States was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Sanford,

Ordered, That it lie on the table.

The bill for the relief of the legal representatives of Gen. Moses Hazen, deceased, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Bell,

Ordered, That it lie on the table.

The bill for the relief of Lucien Harper was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

After the consideration of Executive business,
The Senate adjourned.

FRIDAY, DECEMBER 17, 1830.

The President presented memorials from the Legislative Council of the Territory of Michigan, praying,

1st. For an increase of the salaries of the Judges of the Supreme Court of that Territory;

2d. That no part of the Territory be annexed to the contemplated Territory of Huron;

3d. That a road may be surveyed, marked out, and bridges erected over the streams, from Saganaw, by the most eligible route, across the public lands, to the site of old Fort Mackinac, and also, in continuation, from Point St. Ignace, to the village of Sault St. Marie;

4th. That the navigation of the Upper Lakes may be improved, by erecting light houses, harbor piers, and removing obstructions; and

5th. That a post route from Detroit, by way of Pontiac, Saganaw, the mouth of Cheboigan river, Michillimackinac, and Point St. Ignace, to the Sault St. Marie, be established; and

Ordered, That the *first* and *second* be referred to the Committee on the Judiciary; that the *third* be referred to the Committee on Roads and Canals; that the *fourth* be referred to the Committee on Commerce; and that the *fifth* be referred to the Committee on the Post Office and Post Roads.

Mr. Tyler presented the memorial of Philip Doddridge, of Virginia, proposing a compromise of his claim to certain lands situated between the lines of Ludlow and Roberts, in the State of Ohio; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Tyler presented the petition of Thomas Pinnell, praying to be indemnified for the injury done to his house in Hampton, Virginia, during its occupancy by a detachment of United States' troops; and

Ordered, That it be referred to the Committee of Claims.

Mr. Sanford presented the memorial of the Chamber of Commerce of the city of New York, praying for a reduction of the duties on silks imported from places beyond the cape of Good Hope; and

Ordered, That it be referred to the Committee on Finance.

Mr. Chase presented the petition of John Powell, a pensioner of the United States, praying for an increase of his pension; and

Ordered, That it be referred to the Committee on Pensions.

On motion by Mr. Barton,

Ordered, That the memorial of the inhabitants of the town of St. Charles, Missouri, respecting their commons, be referred to the Committee on Public Lands.

Mr. Hendricks, from the Committee on Indian Affairs, to whom the subject was referred by a resolution of the Senate of the 15th instant, reported a bill making appropriations for carrying into effect certain Indian treaties; which was read; and

Ordered, That it pass to a second reading,

Agreeably to notice given, Mr. Kane asked and obtained leave to bring in a bill to amend an act, entitled "An act to provide for paying to the State of Illinois three per cent. of the nett proceeds arising from the sale of the public lands within the same; and

A bill to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof. The bills were severally read; and

Ordered, That they pass to a second reading.

Agreeably to notice given, Mr. Holmes asked and obtained leave to bring in a bill for the relief of Henry Becker; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Pensions.

Agreeably to notice given, Mr. King asked and obtained leave to bring in a bill for the relief of John Brahan and John Read; and a bill for the relief of John McCartney. The bills were severally read; and

Ordered, That they pass to a second reading.

Mr. Foot, from the Committee of Claims, to whom was referred the bill for the relief of John Brunson, reported it without amendment, accompanied by a special report thereon; and

Ordered, That the report be printed.

The bill for the relief of Joseph E. Sprague; and

The bill for the relief of Thomas Cooper, of South Carolina; were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That they be referred to the Committee on the Judiciary.

The bill for the relief of Ebenezer Rollins; and

The bill for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Loraine, deceased, were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That they be referred to the Committee on Finance.

The following motion, submitted by Mr. Barton, was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of reducing the price of the public lands, and of making more favorable provisions for actual settlers upon them.

Agreeably to notice given, Mr. Woodbury asked and obtained leave to bring in a bill for the relief of Samuel Nowell; which was read; and

Ordered, That it pass to a second reading.

The bill for the relief of Lucien Harper, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The bill for the relief of Aaron Fitzgerald; and

The bill granting a pension to Judah Roberts; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Ransom Mix and Edmund Smith, and the bill for the relief of Simeon C. Whittier; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill to authorize the mounting and equipment of a part of the army of the United States; and,

On motion by Mr. Holmes,

Ordered, That it be postponed to Monday next.

On motion by Mr. Marks,

Resolved, That when the Senate adjourns, it be to Monday next, at 11 o'clock.

After the consideration of Executive business,

The Senate adjourned.

MONDAY, DECEMBER 20, 1830.

The Honorable William Smith, from the State of South Carolina; the Honorable Isaac D. Barnard, from the State of Pennsylvania; the Honorable Edward Livingston, from the State of Louisiana; and the Honorable Littleton Waller Tazewell, from the State of Virginia; severally attended.

The President communicated a report from the Secretary of the Treasury, showing the amount that would be returnable to the merchants of the United States, if merchandise imported under certain circumstances should be exempted from the operation of the tariff of 1828; prepared in obedience to a resolution of the Senate of the 26th May last; and

Ordered, That it be referred to the Committee on Finance, and printed.

Mr. Silsbee presented the petition of Mary J. Babbit, mother of Lieut. Fitz Henry Babbit, who was slain in the action between the frigate *President* and the British squadron, in the late war, praying for a pension.

Mr. Sanford presented the petition of Richard Ward, stating that he has invented a new and valuable railway, adapted to the use of the Navy, and proposing to relinquish his right thereto to the United States on the receipt of a reasonable equivalent.

Ordered, That said petitions be referred to the Committee on Naval Affairs.

Mr. Hendricks presented the petition of James Thomas, late a Quartermaster General in the Army, and afterwards a contractor for supplying rations to the troops, praying for an equitable settlement of his accounts.

Mr. King presented the petition of Benjamin S. Smoot, praying to be compensated for his house, which was destroyed at fort Bowyer in 1814, by order of the commanding officer at that place.

Ordered, That the two petitions last mentioned be referred to the Committee of Claims.

Mr. King presented the petition of John W. Simonton, one of the sureties in the case of the United States against the schooner *Marino* and cargo, condemned for a violation of the revenue laws, praying to be released from the payment of interest on the damages awarded against him; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Livingston presented the memorial of Vincent Gray, praying that his claims for disbursements made by him for account of mariners, citizens of the United States, during the late war, under orders from the Secretary of State, may be paid; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Woodbury presented the petition of Benjamin Boardman, praying for a pension on account of revolutionary services; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Tyler presented the petition of the "St. Vincent's Orphan Asylum and Free School, of the city of Washington," praying for an act of incorporation; and

Ordered, That it be referred to the Committee on the District of Columbia.

Mr. Beaton presented the petition of sundry citizens of the district comprising the lead mines on Fever river, in Illinois, praying that the lands in that district to which the Indian title is extinguished may be surveyed and sold; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Brown presented the petition of Thomas Sparrow and James Howard, praying that additional compensation may be made to them on account of repairing the light boat at Pamlico sound; and

Ordered, That it be referred to the Committee of Claims.

Mr. Marks, from the Committee on Pensions, to whom was referred the bill for the relief of Thomas Fitzgerald, reported it without amendment.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing the following post roads in Indiana:

From Indianapolis, by Martinsville, Spencer, Fairplay, and Bruceville, to Vincennes.

From Indianapolis, on the national road as located, by Vandalia, in Illinois, to the seat of Government in Missouri.

From Indianapolis, by Logansport, at the mouth of Eel river, to Niles' Village, on the river St. Joseph, in the Michigan Territory.

From Indianapolis, by Jefferson, to Lafayette, in the county of Tippecanoe.

From Richmond, in Wayne county, by Winchester, Munceytown, and Logansport, to Delphi, in Carroll county.

From Lawrenceburg, in Dearborn county, by Aurora, Hanover, Rising Sun, Hartford, and Watts' mill, to Versailles, in Ripley county, to return by way of Moore's mill and Wilmington to Lawrenceburg.

From Bloomington, by Taber and Gosport, to Greencastle.

The following motion, submitted by Mr. Burnet, was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of granting a township of land to each incorporated institution for the instruction of the deaf and dumb in the United States, to which a similar grant has not heretofore been made.

The following motion, submitted by Mr. Sprague, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of further defining by law the duties of Consuls of the United States in foreign countries, and regulating their fees and charges.

The following motions submitted by Mr. Baker, were severally considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making provision by law for ascertaining and marking the northern boundary line of the State of Illinois.

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of making an appropriation for the improvement of the post road leading from New Albany, by the town of Paoli and Washington, to Vincennes, in the State of Indiana, and from Vincennes, by Lawrenceville and Carlyle, in the State of Illinois, to the city of St. Louis.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have elected the Reverend Ralph R. Gurley Chaplain on their part.

The bill to amend an act, entitled "An act to provide for paying to the State of Illinois three per cent. of the nett proceeds arising from the sales of the public lands within the same;"

The bill to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof; and

The bill for the relief John Brahan and John Read; were severally read the second time, and Considered as in Committee of the Whole; and

Ordered, That they be referred to the Committee on Public Lands.

The bill for the relief of John McCartney was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee of Claims.

The bill for the relief of Samuel Nowell was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Pensions.

The bill for the relief of Ransom Mix and Edmund Smith;

The bill for the relief of Simeon C. Whittier;

The bill for the relief of Aaron Fitzgerald; and

The bill granting a pension to Judah Roberts; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The bill to authorize the mounting and equipment of a part of the Army of the United States, was resumed as in Committee of the Whole; and,

On motion by Mr. Holmes,

Ordered, That it lie on the table.

After the consideration of Executive business, and proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow.

TUESDAY, DECEMBER 21, 1830.

The Honorable John McKinley, from the State of Alabama, attended.

The President presented the petition of the inhabitants of Butler county, Pennsylvania, praying that the transportation of the mail on Sunday may be prohibited by law.

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

The President presented the memorial of the legal representatives of John Donnell, deceased, praying indemnity for a vessel and cargo lost while in possession of the United States' ship Congress in the year 1812; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Chambers presented the memorial of George Armstrong, praying to be paid for a quantity of tobacco forcibly taken by the British forces in 1814; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Livingston presented the petition of the heirs of Bernard Dautrieve, late of Louisiana, deceased, praying for a confirmation of their title to certain lands; and

Ordered, That it be referred to the Committee on Private Land Claims.

Mr. Livingston presented the memorial of the Franklin Institute of Philadelphia, praying the patronage of Congress to a periodical journal published by the Institute, for the encouragement of manufactures and the mechanic and useful arts; and

Ordered, That it be referred to the Committee on Manufactures.

Mr. Chambers presented the memorial of the corporation of Georgetown, in the District of Columbia, praying that the width of the main draw in the toll bridge that crosses the river Potomac at the city of Washington, may be increased so as to admit an easy passage to steamboats; and

Ordered, That it be referred to the Committee on the District of Columbia.

Mr. Woodbury presented the petition of Daniel Cook, a revolutionary soldier, praying to be compensated for his services and sacrifices; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Silsbee presented the petition of William Hobby, praying to be compensated for extra services performed by him while a clerk in the pay department of the army; and

Ordered, That it be referred to the Committee of Claims.

Mr. Barnard presented the memorial of John F. Lewis, merchant of Philadelphia, praying for the remission of the additional duties imposed by the tariff of 1828 on a quantity of floor-matting imported by him from Canton; and

Ordered, That it be referred to the Committee on Finance.

On motion by Mr. Kane,

Ordered, That the petition of Edward Livingston, presented to the Senate at the last session, be referred to the Committee on Private Land Claims.

On motion by Mr. Marks,

Ordered, That the memorial of the Pennsylvania Institution for the instruction of the deaf and dumb, presented to the Senate at the last session, be referred to the Committee on Public Lands.

On motion by Mr. Hendricks,

Ordered, That Henry Roberts have leave to withdraw his petition and papers.

Mr. Livingston, from the select committee to whom had been referred the petitions of George F. La Roche and others, claimants for French spoliations prior to 1800, made a report, accompanied by a bill to provide for the satisfaction of claims due to certain American citizens for spoliations committed

on their commerce prior to the 30th day of September, 1800. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Holmes, from the Committee on Pensions, to whom was referred the bill for the relief of Henry Becker, reported it without amendment.

Agreeably to notice given, Mr. Benton asked and obtained leave to bring in a bill to rectify the mistake in the name of William Tumey, an invalid pensioner; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Pensions.

Agreeably to notice given, Mr. Johnston asked and obtained leave to bring in

A bill to authorize the inhabitants of the State of Louisiana to enter the back lands; and

A bill for the relief of the sureties of William Gibbs, deceased, late a paymaster in the army of the United States. The bills were severally read; and

Ordered, That they pass to a second reading.

The following motion, submitted by Mr. Foot, was considered and agreed to:

Resolved, That the Committee of Claims be instructed to inquire into the expediency of allowing to Justus Bellamy compensation for services, and supplies furnished to the army of the United States, during the late war.

The Senate resumed, as in Committee of the Whole,

The bill for the relief of John Brunson; and

The bill for the relief of Thomas Fitzgerald; and no amendment having been proposed, they were severally reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The bill making appropriations to carry into effect certain Indian treaties was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

After proceedings as the High Court of Impeachment, as stated in the record,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, DECEMBER 22, 1830.

On motion by Mr. Livingston,

Ordered, That the petition of the heirs of John B. McCarty, presented to the Senate at the last session, be referred to the Committee on Private Land Claims.

Agreeably to notice given, Mr. Silsbee asked and obtained leave to bring in a bill in addition to an act, passed the first of March, one thousand eight hundred and twenty-three, entitled "An act supplementary to, and to amend an act to regulate the collection of duties on imports and tonnage, passed second of March, one thousand seven hundred and ninety-nine, and for other purposes;" which was read; and

Ordered, That it pass to a second reading.

Mr. Barton presented the petition of Robert Wash, praying permission to locate a certificate of 200 arpens of land under the act for the relief of sufferers by earthquakes in the county of New Madrid; and

Ordered, That it be referred to the Committee on Public Lands.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post road from Petersburg to Princeton, in the State of Indiana.

The following motion, submitted by Mr. Holmes, was considered and agreed to:

Resolved, That the Secretary of the Navy be directed to inform the Senate whether provision has been made to relieve our national ships on foreign stations before the expiration of the term of enlistment of the seamen, and what measures have been taken to ensure the return of seamen to the United States whose terms of service have expired, or are about to expire.

The following motion, submitted by Mr. Baker, was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of providing by law for the sale, at the minimum price, of all such lands as have been once entered at such price, and are forfeited or relinquished, immediately upon forfeiture or relinquishment; also, into the expediency of authorizing the sale of the public lands in quantities of forty acres in all cases; as, also, into the expediency of making donations of land in small quantities to *actual settlers*.

The bill to authorize the inhabitants of the State of Louisiana to enter the back lands, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

The bill for the relief of the sureties of William Gibbs, deceased, late a paymaster in the Army of the United States, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

The bill for the relief of John Brunson;

The bill for the relief of Thomas Fitzgerald; and

The bill making appropriations to carry into effect certain Indian treaties; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

After proceedings as the High Court of Impeachment, as stated on the record, the Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, DECEMBER 23, 1830.

The Honorable Robert Y. Hayne, from the State of South Carolina, attended.

Mr. McKinley presented the petition of a number of citizens of the State of Alabama, who are holders of certificates of purchase, and relinquishers of public lands, praying for further relief; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Ruggles presented the petition of Benjamin Jones, of Ohio, praying to be released from the payment of a balance due on a judgment obtained against him by the United States; and

Ordered, That it be referred to the Committee on Finance.

On motion by Mr. Hendricks,

Ordered, That George Burke have leave to withdraw his petition and papers.

Mr. Marks presented the petition of the company established at Philipsburg, in Pennsylvania, for the manufacture of screws of iron, praying that the duty imposed upon those articles when imported may be changed from an *ad valorem* to a *specific* duty; and

Ordered, That it be referred to the Committee on Manufactures.

Mr. Sprague presented the petition of William Clark, the legal representative of Ariel Mann, deceased, and the petition of Charlotte Cheever and Benjamin Wales, legal representatives of Nathaniel Cheever, deceased, praying that certain moneys paid by said Mann and Cheever to the United States under an erroneous impression that they were liable as the sureties of Daniel Evans, a collector of internal revenues, may be refunded; and

Ordered, That they be referred to the Committee on Finance.

Mr. Chase presented the petition of Bissel Phelps praying that his claim for certain services rendered during the revolutionary war may be paid; and

Ordered, That it be referred to the Committee of Claims.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of authorizing the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida.

The following motion, submitted by Mr. Kane, was considered and agreed to:

Resolved, That the communication from the General Land Office, on the subject of establishing a town at St. Mark's, in Florida, be referred to the Committee on the Public Lands; and that said committee inquire into the expediency of establishing towns at St. Mark's and Appalachicola, in Florida.

The bill in addition to an act, passed the first of March, one thousand eight hundred and twenty three, entitled "An act supplementary to, and to amend an act to regulate the collection of duties on imports and tonnage, passed second March, one thousand seven hundred and ninety-nine, and for other purposes," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Commerce.

The bill to provide for the satisfaction of claims due to certain American citizens for spoliations committed on their commerce prior to the thirtieth day of September, one thousand eight hundred, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Livingston,

Ordered, That it be postponed to, and made the order of the day for, the third of January next.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Henry Becker; and no amendment having been proposed, it was reported to the Senate; and

On the question, "Shall this bill be engrossed, and read a third time?"

It was determined in the affirmative, { Yeas, 22,
 { Nays, 6.

On motion by Mr. McKinley,

The yeas and nays being desired by one-fifth of the Senators present,
 Those who voted in the affirmative, are,

Messrs. Baker, Barnard, Burget, Clayton, Dudley, Foot, Frelinghuysen,
 Hendricks, Holmes, Johnston, Kane, Knight, Livingston, Marles, Poin-
 dexter, Robbins, Ruggles, Seymour, Silsbee, Smith, of Maryland, Sprague,
 Woodbury.

Those who voted in the negative, are,

Messrs. Brown, Ellis, Grundy, Iredell, McKinley, Tyler.

Mr. Foot, from the Committee on Pensions, to whom was referred the bill
 for the relief of Samuel Nowell, reported it without amendment.

The Senate proceeded to consider the said bill as in Committee of the
 Whole; and no amendment having been proposed, it was reported to the
 Senate; and

Ordered, That it be engrossed, and read a third time.

After the consideration of Executive business, and proceedings as the High
 Court of Impeachment, as stated on the record.

The Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, DECEMBER 24, 1830.

The Honorable George M. Bibb, from the State of Kentucky, attended.

The President communicated the credentials of the Honorable William
 Wilkins, appointed a Senator by the Legislature of the State of Pennsylvan-
 ia, for the term of six years from the fourth day of March next; which
 were read.

Mr. Poindexter presented the petition of Hartwell Pick, praying to be
 authorized to locate other lands in lieu of a fractional section which he en-
 tered at the land office in Mississippi, and since lost in consequence of an
 error in the survey; and

Ordered, That it be referred to the Committee on Private Land Claims.

Mr. Hendricks presented the petition of a number of the inhabitants of the
 State of Indiana, praying that Congress will aid the State in constructing a
 turnpike road from Lawrenceburg, on the Ohio river, to the southern bend
 of the St. Joseph's river, by a grant of a portion of the public lands; and

Ordered, That this petition, and the petitions presented at the last session
 on the same subject, be referred to the Committee on Roads and Canals.

Mr. Ellis presented the petition of the Register and Receiver of the land
 office at Augusta, in Mississippi, praying to be paid for extra services per-
 formed by them under an act of Congress of the 3d March, 1827; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Benton presented the petition of William Duval and Peter A. Carnes,
 praying to be paid for a quantity of merchandise forcibly taken from them,
 in 1829, by a detachment of troops acting under orders from the command-
 ing officer at cantonment Gibson; and

Ordered, That it be referred to the Committee of Claims.

On motion by Mr. Seymour,

Ordered, That Samuel Buel have leave to withdraw his petition and papers.

On motion by Mr. Foot,

Ordered, That the Committee of Claims be discharged from the consideration of the petition of Jeremiah Basye.

On motion by Mr. Ruggles,

Ordered, That the Committee of Claims be discharged from the consideration of the petition of the widow and heirs of Josiah Brady, deceased.

Agreeably to notice given, Mr. Noble asked and obtained leave to bring in a bill for the relief of Henry Case; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the bill, and the papers on file relating to it, be referred to the Committee on Public Lands.

Mr. Kane, from the Committee on Public Lands, to whom had been referred the bill to amend an act, entitled "An act to provide for paying to the State of Illinois three per cent. of the nett proceeds arising from the sale of the public lands within the same;" and the bill to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof; reported them severally without amendment.

Mr. Kane, from the same committee, to whom the subject was referred by a resolution of the Senate of the 14th instant, reported a bill to establish two land districts in Illinois; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Livingston asked and obtained leave to bring in a bill for the relief of the Mayor, Aldermen, and inhabitants of the city of New Orleans; which was read; and

Ordered, That it pass to a second reading.

Mr. Ellis, from the Committee on Public Lands, to whom was referred a memorial of the Legislature of Mississippi on the subject, reported a bill for the benefit of schools in Lawrence county, Mississippi; which was read; and

Ordered, That it pass to a second reading.

Mr. Poindexter, from the Committee on Private Land Claims, to whom was referred the petition of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi, made a report, accompanied by a bill for their relief. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

Mr. Barton, from the Committee on Public Lands, to whom was referred a memorial of the inhabitants of St. Charles, in Missouri, on the subject, reported a bill concerning the town and village commons in Missouri; which was read; and

Ordered, That it pass to a second reading.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the bill to establish a port of delivery at Port Pontchartrain, reported it with amendments; which were read.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have come to a resolution to attend, from day to day, the trial of the impeachment now pending before the Senate.

The House of Representatives have passed a bill, entitled "An act to change the time of holding the rule term of the circuit court for the district of West Tennessee;" in which they request the concurrence of the Senate-

The said bill was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

On motion by Mr. Holmes,

Resolved, That when the Senate adjourns, it be to Monday next, at 11 o'clock.

After the consideration of Executive business, and proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned.

MONDAY, DECEMBER 27, 1830.

Mr. Foot presented the petition of Ezekiel Canfield;

Mr. Frelinghuysen presented the petition of John Swaim;

Mr. Woodbury presented the petition of Isaac Foot; and

Mr. Hendricks presented the petition of Dawalt Keller; severally praying for pensions in consideration of revolutionary services and sacrifices.

Mr. Hendricks also presented the petition of Hugh Barnes, a pensioner, praying for the payment of certain arrears.

Ordered, That the preceding petitions be severally referred to the Committee on Pensions.

Mr. Holmes presented the petition of the inhabitants of Vinal-Haven, in Maine, praying that a light-house may be built at the western entrance of Fox island; and

He presented the petition of sundry inhabitants and masters of vessels in Maine, praying that a light-house may be erected on Swan's island, in Jericho bay.

Mr. Hayne presented the petition of John W. Holmes, praying compensation for a loss sustained by him as keeper of a light-house in the harbor of Charleston, South Carolina.

Mr. Sanford presented the petition of the inhabitants of Suffolk county, New York, praying for an appropriation to improve the navigation of the inlet to Drownmeadow bay and Setauket harbor.

Ordered, That the four petitions last mentioned be referred to the Committee on Commerce.

Mr. Dickinson presented the petition of the heirs of Aaron Day, deceased, who was an officer in the army of the Revolution, praying that a warrant may be directed to issue to them for the bounty land to which the deceased was entitled.

Mr. McKinley presented the petition of Catharine Cheike, and the petition of Andrew Lacy, severally praying to be authorized to sell the reservations of land secured to them by the treaty with the Cherokee Indians in 1817.

Mr. Hendricks presented the petition of those inhabitants of the county of Vermillion, in Indiana, who are settlers on range ten of the public lands, praying that the right of pre-emption may be granted to them.

Ordered, That the four petitions last mentioned be referred to the Committee on Public Lands.

Mr. Frelinghuysen presented the petition of the clerks employed at the naval stations, praying for an increase of compensation; and

Ordered, That it be referred to the Committee on Naval Affairs.

Mr. Hayne presented the petition of John H. Harrison, praying to be relieved from a debt due to the United States as surety of Samuel Adams, in consequence of gross neglect in prosecuting the claim against said Adams; and

Ordered, That it be referred to the Committee on the Judiciary.

The following motion, submitted by Mr. Kuggles, was considered and agreed to:

Resolved, That the Secretary of War be directed to lay before the Senate the reports of the superintendent of the Cumberland road west of Zanesville, in the State of Ohio, for the years 1829 and 1830.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Detroit, by way of Rochester, in the county of Oakland, and Romeo, in the county of Macomb, to the county seat of St. Clair county, in the Territory of Michigan.

The following motion, submitted by Mr. Ellis, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Rankin, Mississippi, by Brashears', Stanley's, Haley's, G. Laffore's, Barfield's, Turnbull's, Boyd's, Morris', and the Pigeon Roost, to Moscow, in West Tennessee.

The following motion, submitted by Mr. Poindexter, was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of separating the land district of Louisiana from the land district of Mississippi, and of creating the office of surveyor of the lands of the United States for Louisiana, and abolishing the offices of principal deputy surveyors in said State, created by the act of 1806.

Mr. Chase, from the Committee on Pensions, to whom was referred the petition of Joseph Gray, made a report; and, in concurrence therewith,

Ordered, That the committee be discharged from the further consideration thereof.

Mr. Chase, from the same committee, to whom was referred the petition of Jonathan Crocker, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. McKinley, from the Committee on Public Lands, to whom was referred a petition of the citizens of Alabama on the subject, reported a bill supplemental to an act, passed on the thirty-first March, 1830, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States;" which was read; and

Ordered, That it pass to a second reading.

Mr. McKinley, from the same committee, to whom was referred the bill for the relief of John Brahan and John Read, reported it without amendment.

Mr. Foot, from the Committee on Pensions, to whom was referred the bill to rectify a mistake in the name of William Tumey, an invalid pensioner, reported it without amendment.

On motion by Mr. Foot,

It was unanimously agreed that the printing of the last mentioned bill be dispensed with.

The Senate then proceeded to consider the said bill as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The bill for the relief of the Mayor, Aldermen, and inhabitants of the city of New Orleans, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Private Land Claims.

Agreeably to notice given, Mr. Johnston asked and obtained leave to bring in a bill to provide for the legal adjudication and settlement of the claims to land therein mentioned; which was read; and

Ordered, That it pass to a second reading.

The bill for the relief of Henry Becker; and

The bill for the relief of Samuel Nowell, having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed a bill, entitled "An act to incorporate a fire insurance company in Georgetown, in the District of Columbia;" in which they request the concurrence of the Senate.

The said bill was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the District of Columbia.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

TUESDAY, DECEMBER 28, 1830.

Mr. Webster presented the petition of John Peters and Sabin Pond, of Boston, praying that the sum paid into the Treasury arising from the confiscation and sale of the brig "Anna" and cargo, in the year 1814, may be restored to them with interest; and

Ordered, That it be referred to the Committee on Finance.

Mr. King presented the memorial of Joshua Kennedy, praying Congress to indemnify him for losses sustained during the Creek war; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Holmes presented the petition of David Chaplin, Israel Hale, and America Hamlin, late pensioners of the United States, praying to be restored to the pension roll.

Mr. Noble presented the petition of James Rollf, senior, praying for a pension in consideration of revolutionary services.

Ordered, That the two petitions last mentioned be referred to the Committee on Pensions.

On motion by Mr. Woodbury,

Ordered, That the Committee on Commerce be discharged from the consideration of the petition of John W. Holmes, and that it be referred to the Committee of Claims.

On motion by Mr. Marks,

Ordered, That the petition of Martin Miller, presented to the Senate at the last session, be referred to the Committee on Pensions.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the memorial of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company, reported a bill for their relief; which was read; and

Ordered, That it pass to a second reading.

Mr. McKinley, from the same committee, to whom was referred the bill to provide for the further compensation of the Marshal of the district of Rhode Island, reported it without amendment.

Agreeably to notice given, Mr. Chase asked and obtained leave to bring in a bill for the relief of John Riddle; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the bill in addition to an act, passed the first of March, 1823, entitled "An act supplementary to and to amend an act to regulate the collection of duties on imports and tonnage, passed second of March, 1799, and for other purposes." reported it without amendment.

Mr. Barton, from the Committee on Public Lands, to whom was referred the petition of Philip Doddridge, reported a bill to amend the act, entitled "An act to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio," approved the 26th of May, in the year 1830; which was read; and

Ordered, That it pass to a second reading.

The bill to rectify a mistake in the name of William Tumey, an invalid pensioner, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

After the consideration of Executive business, and proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, DECEMBER 29, 1830.

The President communicated a report from the Secretary of the Navy, prepared in obedience to a resolution of the Senate of the 22d instant, showing the provision that has been made to relieve the national ships on foreign stations before the expiration of the term of enlistment of the seamen, and the measures taken to ensure the return of seamen to the United States whose terms of service have expired, or are about to expire; and

Ordered, That it be printed.

On motion by Mr. Troup,

Ordered, That the memorial of Zachariah Sims and others, members of an association called the "Double Head Company," presented to the Senate at the last session, be referred to the Committee on Private Land Claims.

Mr. Hayne presented the petition of the executrix of John E. Moore, deceased, who was the executor of John Moore, deceased, praying the payment of the amount of an indent which has been lost; and

Ordered, That it be referred to the Committee on Finance.

Mr. Brown presented the memorial of John Nicks, of Arkansas, praying that his claim for advances made by him to the agent appointed by the United States to conduct the emigration of the Creek Indians, in 1829, may be paid; and

Ordered, That it be referred to the Committee of Claims.

Agreeably to notice given, Mr. Dickerson asked and obtained leave to bring in a resolution proposing an amendment to the Constitution of the United States, as it respects the periods to which any person can be elected President of the United States; which was read; and

Ordered, That it pass to a second reading, and be printed.

Agreeably to notice given, Mr. Hayne asked and obtained leave to bring in a bill for the adjustment and settlement of the claims of the State of South Carolina against the United States; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Military Affairs.

Agreeably to notice given, Mr. Hayne asked and obtained leave to bring in a bill for the relief of J. N. Cardozo; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

Agreeably to notice given, Mr. King asked and obtained leave to bring in a bill to authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong for the maintenance of fifteen Africans illegally imported into the United States; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Finance.

The following motion, submitted by Mr. Sprague, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to lay before the Senate a statement of the annual payments which have been made as drawback or allowance upon the exportation of pickled fish, since the passage of the act of 29th of July, 1810.

The following motion, submitted by Mr. Woodbury, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of farther regulations concerning the allowance for "the draft" of articles subject to duty by weight.

The bill to provide for the legal adjudication and settlement of the claims to land therein mentioned, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

The Senate resumed, as in Committee of the Whole,

The bill to amend an act, entitled "An act to provide for paying to the State of Illinois three per cent. of the nett proceeds arising from the sale of the public lands within the same;" and

The bill to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in

lieu thereof; and no amendment having been proposed, they were severally reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The bill to establish two land districts in Illinois was read a second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Foot,

Ordered, That it lie on the table.

The bill for the benefit of schools in Lawrence county, Mississippi; and

The bill concerning town and village commons in Missouri; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, DECEMBER 30, 1830.

Mr. Grundy presented the memorial of Guilford Dudley, praying that his claims for supplies furnished and services rendered during the revolutionary war; may be allowed and paid.

Mr. Dudley presented the petition of Ephraim F. Gilbert, stating that, in consequence of a misconstruction of the act of the last session for his relief by the accounting officer of the Treasury, his claims have not been paid, and praying for the passage of an explanatory act.

Mr. Bell presented the petition of George Gardner, praying that his claim for the transportation of a quantity of lead in 1795, be paid.

Ordered, That the memorial and petitions be referred to the Committee of Claims.

Mr. Holmes presented the petition of Jabez Sawyer, a pensioner, praying for the payment of certain arrears.

Mr. Noble presented the petition of Richard Haynes, a revolutionary soldier, praying for a pension.

Ordered, That the two petitions last mentioned be referred to the Committee on Pensions.

Mr. Sprague presented the petition of the inhabitants of Palermo, Freedom, Montville, Knox, Brooks, Monroe, and the north part of Frankfort, in the county of Waldo, in Maine, praying for the establishment of a mail route; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. McKinley,

Ordered, That the documents in support of the claim of William Vance, a revolutionary soldier, to a pension, presented to the Senate at the second session of the twentieth Congress, be referred to the Committee on Pensions.

On motion by Mr. Naudain,

Ordered, That the petition of Joseph S. Cannon, presented to the Senate at the last session, be referred to the Committee on Naval Affairs.

On motion by Mr. Tazewell,

Ordered, That the petition of William Matthews, trustee of Lawrence Muse, presented to the Senate at the last session, be referred to the Committee on the Judiciary.

Mr. Silsbee, from the Committee on Finance, to whom was referred the bill for the relief of Ebenezer Rollins, reported it without amendment.

Ms. King, from the Committee on Finance, to whom was referred the bill to authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong for the maintenance of fifteen Africans illegally imported into the United States, reported it without amendment.

Agreeably to notice given, Mr. King asked and obtained leave to bring in a bill to amend an act, entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per cent. of the net proceeds arising from the sale of the public lands within the same; which was read; and

Ordered, That it pass to a second reading.

The following motions, submitted by Mr. Baker, were considered and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of laying out and making a road from fort Winnebago to Green bay, in the Northwestern Territory.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making a survey of Fox river, in the Northwestern Territory, with a view to the improvement of the navigation of the same.

The bill for the relief of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi; and

The bill for the relief of Jonathan Crocker, were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The Senate proceeded to consider, as in Committee of the Whole, the bill to establish a port of delivery at Port Pontchartrain, together with the amendments reported thereto by the Committee on Commerce; and the amendments having been agreed to, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That the bill be engrossed, and read a third time.

The bill supplemental to an act, passed on the 31st March, 1830, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States," was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Sprague,

Ordered, That it lie on the table.

The bill to amend an act, entitled "An act to provide for paying to the State of Illinois three per cent. of the net proceeds arising from the sale of the public lands within the same;"

The bill to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof;

The bill for the benefit of schools in Lawrence county, Mississippi; and

The bill concerning the town and village commons in Missouri, having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

A message from the House of Representatives, by Mr. Clark, their Clerk.
Mr. President: The House of Representatives have appointed a Committee on Enrolled Bills on their part, pursuant to the joint rules and orders of the two Houses; and

They have passed a resolution and five bills of the following title which they request the concurrence of the Senate, viz:

“A resolution in relation to the transmission of public documents printed by order of either House of Congress;”

“An act for the punishment of crimes in the District of Columbia;”

“An act making appropriations for the completion and support of a penitentiary in the District of Columbia, and for other purposes;”

“An act to alter the time of holding the district court of the United States for the northern district of Alabama;”

“An act authorizing the Secretary of State to issue a patent to John Bull;” and

“An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes.”

After the consideration of Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

FRIDAY, DECEMBER 31, 1830.

The President communicated a letter from the Secretary of War transmitting a copy of the reports of the superintendent of the Cumberland west of Zanesville, in the State of Ohio, for the years 1829 and 1830, compared in obedience to a resolution of the Senate of the 27th instant.

Mr. Sanford presented a memorial and resolutions adopted at a meeting of the citizens of New York, praying for a speedy liquid payment of the claims of James Monroe, late President of the United States; which were read; and,

On motion by Mr. Webster,

Ordered, That they lie on the table.

Mr. Barnard presented the memorial of a general meeting of the citizens of Chester county, Pennsylvania, praying for the repeal of the law last session for the removal of certain tribes of Indians to the west of the Mississippi, and requesting the Senate to refuse its assent to an act made under said law; and

Agreeably to notice given, Mr. Livingston asked and obtained leave to bring in a bill for the relief of Francis Larche, of New Orleans; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee of Claims,

The resolution and five bills yesterday brought from the House of Representatives for concurrence, were severally read; and

Ordered, That they pass to a second reading.

On motion by Mr. Tyler,

The bill entitled "An act for the punishment of crimes in the District of Columbia," was read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the District of Columbia.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making an appropriation to hold a treaty for the extinguishment of Indian title in Indiana.

The following motion, submitted by Mr. Burnet, was considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to lay before the Senate, at the next session of Congress, a statement showing the quantity, situation, and probable value of the public land which remains undisposed of in the United States' military district, and in the Virginia military reservation, in the State of Ohio.

The resolution proposing an amendment to the Constitution of the United States, as it respects the periods to which any person can be elected President of the United States, was read the second time, and considered as in Committee of the Whole; and

On motion by Mr. Dickerson,

Resolved, That it be referred to a select committee, to consist of five members, to consider and report thereon.

Ordered, That Mr. Dickerson, Mr. White, Mr. Forsyth, Mr. Burnet, and Mr. Knight, be the committee.

The bill to amend an act, entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per cent. of the nett proceeds arising from the sale of the public lands within the same," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

On motion by Mr. Foot,

Ordered, That a Committee on Enrolled Bills be now appointed on the part of the Senate, pursuant to the joint rules and orders of the two Houses.

Ordered, That Mr. Brown and Mr. Willey be the committee.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill for the relief of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi; and

The bill for the relief of Jonathan Crocker, having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

The bill to establish a port of delivery at Port Pontchartrain having been reported by the committee correctly engrossed, was read the third time; and *Resolved*, That it pass, and that its title be "An act to establish ports of delivery at Port Pontchartrain and Delaware city."

Ordered, That the Secretary request the concurrence of the House of Representatives in the three last mentioned bills.

The bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. McKinley,

Ordered, That it be postponed to, and made the order of the day for, Monday week.

The Senate proceeded to consider, as in Committee of the Whole, the bill to provide for the further compensation of the Marshal of the district of Rhode Island;

The bill for the relief of John Brahan and John Read;

The bill for the relief of Ebenezer Rollins;

The bill in addition to an act, passed the first of March, 1823, entitled "An act supplementary to and to amend an act to regulate the collection of duties on imports and tonnage, passed second of March, 1799," and for other purposes; and

The bill to authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong for the maintenance of fifteen Africans, illegally imported into the United States; and no amendment having been proposed, they were severally reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

On motion by Mr. Sprague,

The Senate resumed the consideration of the bill supplemental to an act, passed on the 31st of March, 1830, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States; and

Ordered, That it be engrossed, and read a third time.

The bill to amend the act, entitled "An act to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio," approved the 26th of May, 1830, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. Webster,

Resolved, That when the Senate adjourns, it be to Monday next.

A message from the House of Representatives, by Mr. Clarke, their Clerk.

Mr. President: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

"An act for the relief of Matthias Roll;"

"An act to establish a land office in the Territory of Michigan, and for other purposes;" and

"An act to provide hereafter for the payment of six thousand dollars, annually, to the Seneca Indians, and for other purposes."

After the consideration of Executive business, the Senate adjourned to 11 o'clock on Monday next.

MONDAY, JANUARY 3, 1831.

The Vice President of the United States attended.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting a statement of the annual payments which have been made as drawback or allowance upon the exportation of pickled fish, since the passage of the act of the 29th July, 1813, prepared in obedience to a resolution of the Senate of the 29th ultimo; and

Ordered, That it be referred to the Committee on Finance.

On motion by Mr. Smith, of Maryland,

Ordered, That the petition of Otho W. Callis, presented to the Senate at the last session, be referred to the Committee of Claims.

Mr. Sprague presented the memorial of the inhabitants of Vassalborough, Maine, praying that existing treaty stipulations with the Cherokee Indians may be faithfully observed on the part of the United States; and

Ordered, That it be referred to the Committee on Indian Affairs, and intended.

Mr. Hendricks presented the petition of the citizens of Dearborn and Pley counties, in Indiana, praying that a post road be established from Burlington to Versailles; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. Robbins,

Ordered, That the petition of the inhabitants of Bristol, in Rhode Island, for the erection of a pier, presented to the Senate at the last session, be referred to the Committee on Commerce.

Mr. Ellis presented the petition of Joseph Vidal, of Mississippi, praying at his claim to certain lands may be confirmed; and

Ordered, That it be referred to the Committee on Private Land Claims.

On motion by Mr. Ruggles,

Ordered, That Maria Hayden have leave to withdraw her petition and papers.

Mr. King presented the memorial of Samuel Earle, praying to be compensated for services rendered during the war of the Revolution.

Mr. Marks presented the petition of John Clark, late a lieutenant in the Army, praying that his claim for arrears of pay may be paid.

Ordered, That the memorial and petition last mentioned be referred to the Committee on Military Affairs.

Mr. Woodbury presented the petition of sundry merchants of Portsmouth, New Hampshire, praying for an amendment to the law reducing the duty on salt.

Mr. Silsbee presented the memorial of sundry merchants of Boston, praying that the additional duties imposed by the tariff of 1828, and paid by them, on certain imported articles, may be refunded.

Ordered, That the petition and memorial last mentioned be referred to the Committee on Finance.

Mr. Kane presented sundry documents in support of the claim of Stace McDonough to a pension; and

Ordered, That they be referred to the Committee on Pensions.

On motion by Mr. Ruggles,

Ordered, That the letter and documents received from the Secretary of War on the 31st ultimo, be printed.

Mr. Sanford presented the petition of William Eaton, one of the sub-contractors for constructing the fortifications on Dauphin island, praying that his claims may be paid; and

Ordered, That it be referred to the Committee of Claims.

Mr. Smith, of Maryland, from the Committee on Finance, to whom the subject was, in part, referred by a resolution of the Senate of the 16th ultimo, reported a bill to repeal the charges imposed on passports and clearances, and the duties on spices; which was read; and

Ordered, That it pass to a second reading.

Mr. Smith, of Maryland, laid on the table a letter from the Secretary of the Treasury on the subject of the last mentioned bill; and

Ordered, That it be printed.

Mr. Ellis, from the Committee on Public Lands, to whom was referred the bill to amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per cent. of the nett proceeds arising from the sale of the public lands within the same," reported it with an amendment; which was read.

Mr. Chase, from the Committee on Pensions, to whom was referred the bill for the relief of John Riddle, reported it without amendment.

Mr. Holmes, from the Committee on Pensions, to whom was referred the petition of William Christy, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Barton, from the Committee on Public Lands, to whom the subject was referred by a resolution of the Senate of the 22d ultimo, reported a bill supplementary to the several laws for the sale of public lands; which was read; and

Ordered, That it pass to a second reading.

The three bills received, on the 31st ultimo, from the House of Representatives, for concurrence, were severally read; and

Ordered, That they pass to a second reading.

The bill entitled "An act to establish a land office in the Territory of Michigan, and for other purposes," was read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

The resolution from the House of Representatives, "in relation to the transmission of public documents printed by order of either House of Congress," was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The following bills from the House of Representatives were severally read the second time, and considered as in Committee of the Whole, viz:

"An act making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes;"

"An act to alter the time of holding the district court of the United States for the northern district of Alabama;"

"An act authorizing the Secretary of State to issue a patent to John Powell;" and

"An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes;" and

Ordered, That the first mentioned bill be referred to the Committee on

the District of Columbia; and that the *second, third, and fourth*, be referred to the Committee on the Judiciary.

On motion by Mr. Benton,
The Senate resumed, as in Committee of the Whole, the bill to authorize the mounting and equipment of a part of the army of the United States; and an amendment having been proposed, it was reported to the Senate; and *Ordered*, That it be engrossed, and read a third time.

The bill to provide for the further compensation of the Marshal of the District of Rhode Island;

The bill for the relief of Ebenezer Rollins;

The bill for the relief of John Brahan and John Read;

The bill supplementary to an act, passed on the 31st March, 1830, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States;"

The bill to amend the act, entitled "An act to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio," approved the 26th of May, in the year 1830; and

The bill to authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong, for the maintenance of fifteen Africans illegally imported into the United States, having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

The bill in addition to an act, passed the first of March, 1823, entitled "An act supplementary to and to amend an act to regulate the collection of duties on imports and tonnage, passed 2d of March, 1799," and for other purposes, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be "An act to authorize the transportation of merchandise by land or by water, with the benefit of demurrage."

Ordered, That the Secretary request the concurrence of the House of Representatives in the seven bills last mentioned.

After proceedings as the High Court of Impeachment, as stated on the record, and the consideration of Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, JANUARY 4, 1831.

Mr. Kane communicated the credentials of the honorable John M. Robinson, appointed a Senator by the Legislature of the State of Illinois, to supply the vacancy occasioned by the death of the honorable John McLean; which were read; and the oath prescribed by law was administered to Mr. Robinson, and he took his seat in the Senate.

The Vice President communicated a letter from the Secretary of the Navy, transmitting fifty copies of the Naval Register for 1831, for the use of the members of the Senate.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I communicate to Congress the papers relating to the recent arrangement with Great Britain with respect to the trade between her colonial possessions

and the United States, to which reference was made in my message at the opening of the present session.

It will appear from those documents, that, owing to the omission in the act of the 29th May last of a clause expressly restricting importations into the British colonies in American vessels to the productions of the United States; to the amendment engrafted upon that act in the House of Representatives, providing that, when the trade with the West India colonies should be opened, the commercial intercourse of the United States with all other parts of the British dominions or possessions should be left on a footing not less favorably to the United States than it now is; and to the act not specifying the terms upon which British vessels coming from the northern colonies should be admitted to entry into the ports of the United States, an apprehension was entertained by the Government of Great Britain, that, under the contemplated arrangement, claims might be set up, on our part, inconsistent with the propositions submitted by our minister, and with the terms to which she was willing to agree; and that this circumstance led to explanations between Mr. McLane and the Earl of Aberdeen, respecting the intentions of Congress, and the true construction to be given to the act referred to.

To the interpretation given by them to that act, I did not hesitate to agree. It was quite clear, that, in adopting the amendment referred to, Congress could not have intended to preclude future alterations in the existing intercourse between the United States and other parts of the British dominions; and the supposition that the omission to restrict, in terms, the importations to the productions of the country to which the vessels respectively belong, was intentional, was precluded by the propositions previously made by this Government to that of Great Britain, and which were before Congress at the time of the passage of the act, by the principles which govern the maritime legislation of the two countries, and by the provisions of the existing commercial treaty between them:

Actuated by this view of the subject, and convinced that it was in accordance with the real intentions of Congress, I felt it my duty to give effect to the arrangement by issuing the required proclamation; of which a copy is likewise herewith communicated:

ANDREW JACKSON.

WASHINGTON, 3d January, 1831.

Ordered, That the message and documents be referred to the Committee on Commerce, and printed.

The following written message was also received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I transmit herewith to Congress the copy of a correspondence which lately passed between Major General Von Scholten, his Danish Majesty's Governor General of his West India possessions, and special Minister to the United States, and Mr. Van Buren, Secretary of State, concerning the regulation of the commercial intercourse between those possessions and the United States, which comprehends the propositions that General Von Scholten made to this Government, in behalf of his sovereign, upon that subject, and the answers of the Secretary of State to the same; the last showing the grounds upon which this Government declined acceding to the overtures of the Danish Envoy.

This correspondence is now submitted to the two Houses of Congress in compliance with the wish and request of General Von Schotten himself, and under the full persuasion upon my part, that it will receive all the attention and consideration to which the very friendly relations that have so long subsisted between the United States and the King of Denmark especially entitle it in the councils of this Union.

ANDREW JACKSON.

WASHINGTON, 31st December, 1830:

Ordered, That the message and documents be referred to the Committee on Foreign Relations, and printed.

Mr. Holmes presented the petition of the inhabitants of the towns of Alfred, Waterborough, Hollis, Buxton, Gorham, Windham, and Gray, in the counties of York and Cumberland, in Maine, praying for an additional post route; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Holmes presented the petition of several revolutionary soldiers residing in the State of Maine, praying for pensions; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Tyler presented the petition of Elizabeth Scott, praying to be paid the commutation, or five years' full pay, to which her deceased father, Captain William Blackwell, was entitled, for his military services in the continental army; and

Ordered, That it be referred to the Committee on Military Affairs.

Agreeably to notice given, Mr. Noble asked and obtained leave to bring in a bill for the improvement of the mail road between Louisville and St. Louis, which was read; and

Ordered, That it pass to a second reading.

Mr. McKinley, from the Committee on the Judiciary, to whom had been referred the bill for the relief of Joseph E. Sprague, and the bill entitled "An act to change the time of holding the rule term of the circuit court for the district of West Tennessee," reported them severally without amendment.

Mr. Ruggles, from the Committee of Claims, to whom was referred the petition of James Thomas, late a Quartermaster General of the army of the United States, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. White, from the Committee on Indian Affairs, to whom the subject was referred by a resolution of the Senate of the 31st ultimo, made a report, accompanied by a bill to enable the President to extinguish Indian title within the State of Indiana. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

Mr. White, from the same committee, to whom was referred the memorial of Joshua Kennedy, reported a bill to provide for the payment of Joshua Kennedy, of Alabama, for the losses sustained by him by the destruction of his property, in the year 1813, by the hostile Creek Indians, in consequence of its having been occupied as a fort or garrison by the troops of the United States; which was read; and

Ordered, That it pass to a second reading.

Mr. Ruggles, from the Committee of Claims, to whom was referred the bill for the relief of Francis Larche, of New Orleans, reported it without amendment.

Mr. Benton, from the Committee on Public Lands, to whom the subject was referred by a resolution of the Senate of the 17th ultimo, reported a bill to reduce the price of the public lands, heretofore in market, and to grant a preference to actual settlers; which was read; and

Ordered, That it pass to a second reading.

The following motion; submitted by Mr. Ellis, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Winchester, Wayne county, Mississippi, by A. Arrington's, Abner Kelley's, in Jones county, Norvell Robinson's, Jacquesville, and Richard A. Hargus', to Monticello, in said State.

The following motion, submitted by Mr. Chase, was considered and agreed to:

Resolved, That the Committee on Pensions be directed to inquire into the expediency of placing the name of Samuel Paine, a soldier of the revolution, on the pension list.

The following motion, submitted by Mr. Smith, of Maryland, was considered and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the justice and expediency of extending to Henry B. Livingston, late a Colonel in the service of the United States, in the revolutionary war, the benefits of the act of the 15th May, 1828, for the relief of certain surviving officers and soldiers of the army of the revolution.

The following motion, submitted by Mr. Livingston, was considered:

Resolved, That nothing contained in any of the rules for conducting impeachments, made on the 11th day of May, in the year 1830; shall be so construed as to prevent any Senator, when he shall give his vote on the question of guilty or not guilty, on any article in an impeachment, from assigning his reasons for such vote.

On motion of Mr. Forsyth,

Ordered, That it lie on the table.

Agreeably to notice given, Mr. Ellis asked and obtained leave to bring in a bill for the relief of Woodson Wren, of Mississippi; which was read; and

Ordered, That it pass to a second reading.

The bill entitled "An act to provide, hereafter, for the payment of six thousand dollars, annually, to the Seneca Indians, and for other purposes;" and

The bill entitled "An act for the relief of Matthias Roll," were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on Indian Affairs, and that the *second* be referred to the Committee on Public Lands.

The bill to authorize the mounting and equipment of a part of the army of the United States, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The resolution from the House of Representatives, "in relation to the transmission of public documents printed by order of either House of Congress," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate resumed, as in Committee of the Whole, the bill for the relief of John Riddle; and,

On motion by Mr. Chase,

Ordered, That it lie on the table.

The Senate resumed, as in Committee of the Whole, the bill to amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same," together with the amendment reported thereto by the Committee on Public Lands; and the amendment having been agreed to, the bill was reported to the Senate; and the amendment being concurred in,

Ordered, That the bill be engrossed, and read a third time.

The bill to repeal the charges imposed on passports and clearances, and the duties on spices;

The bill for the relief of William Christy; and

The bill supplementary to the several laws for the sale of public lands, were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have resolved that, until otherwise ordered, they will not attend the trial of the impeachment now pending in the Senate.

The House of Representatives have passed the bill from the Senate, entitled "An act for the benefit of schools in Lawrence county, Mississippi;" and

They have passed a bill entitled "an act to extend the time for entering certain donation claims to land in the Territory of Arkansas;" in which they request the concurrence of the Senate.

After the consideration of Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, JANUARY 5, 1831.

The Vice President communicated a letter from the Secretary of the Navy, transmitting a statement showing the disbursements made on account of the contingent expenses of the Navy for the year ending 30th September last.

The Vice President communicated a letter from the Secretary of War, transmitting a statement from the Second Auditor of the Treasury, showing the expenditure of the moneys appropriated for the contingent expenses of the military establishment for the year 1830.

The Vice President communicated a letter from the Commissioner of the General Land Office, transmitting a report of the Register and Receiver of the St. Helena land district in Louisiana on the validity of the claims of John McDonogh to two parcels of land in that district.

Mr. Benton presented the memorial of the American Society for Encouraging the Settlement of the Oregon country, instituted in Boston, praying that a military escort and transports, and convenient military posts, may be established for the encouragement and protection of emigration to that country; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Kane, from the Committee on Public Lands, to whom were referred sundry documents from the Commissioner of the General Land Office on the subject, reported a bill to establish a town at St. Marks, and at the mouth of Appalachicola river, in Florida; which was read; and

Ordered, That it pass to a second reading.

Mr. Kane, from the same committee, to whom the subject was referred by a resolution of the Senate of the 14th ultimo, reported a bill supplemental to the act "granting the right of pre-emption to settlers on the public lands," approved 29th of May, 1830; which was read; and

Ordered, That it pass to a second reading.

Mr. Tyler, from the Committee on the District of Columbia, to whom was referred a memorial on the subject, reported a bill to incorporate Saint Vincent's Orphan Asylum, in the District of Columbia; which was read; and

Ordered, That it pass to a second reading.

Mr. Hayde, from the Committee on Naval Affairs, to whom was referred the petition of Joseph S. Cannon, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Hayne, from the Committee on the Judiciary, to whom was referred the bill for the relief of George Johnston, reported it without amendment.

Mr. Hayne laid on the table sundry documents relating to the subject of the last mentioned bill; and

Ordered, That they be printed.

The bill yesterday brought from the House of Representatives for concurrence was read; and

Ordered, That it pass to a second reading.

The bill for the improvement of the mail road between Louisville and St. Louis; and

The bill for the relief of Woodson Wren, of Mississippi; were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on Roads and Canals, and that the *second* be referred to the Committee on Public Lands.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to change the time of holding the rule term of the circuit court for the district of West Tennessee;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The bill to amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same;"

The bill to repeal the charges imposed on passports and clearances, and the duties on spices;

The bill for the relief of William Christy; and

The bill supplementary to the several laws for the sale of public lands; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

After proceedings as the High Court of Impeachment, as stated on the record;

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 6, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting a report from the Pension Office, prepared in obedience to a joint resolution of Congress passed at the last session, relative to rejected applications for pensions; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Robbins presented the petition of Elizabeth Scott, assignee of Alexander Scott, jr., deceased, and late inspector of the revenue at Pensacola, praying that the accounts of the deceased may be directed to be settled upon such principles as shall include compensation for the time the deceased was unjustly suspended from the duties of inspector; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Tyler presented the petition of John Balthrope, stating that he is the inventor of an improved axis and cannon carriage, the use of which he proposes to dispose of to the United States; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Hayne presented the petition of John Haslett, of Charleston, South Carolina, praying that the value of the brig Margaret and cargo, condemned and forfeited to the United States in the year 1812, may be allowed him in the settlement of his accounts with the United States; and

Ordered, That it be referred to the Committee on Finance.

Mr. Benton presented the petition of a number of the citizens of St. Louis, in Missouri, praying that an appropriation may be made for the improvement of the navigation of the Ohio river; and

Ordered, That it be referred to the Committee on Roads and Canals.

Mr. Woodbury presented the petition of sundry inhabitants of the State of New Hampshire, praying for the alteration of one of the post routes in that State; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. Noble, and by unanimous consent,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for a survey of White and St. Francis rivers, with a view to improve their navigation.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Stace McDonough, and that it be referred to the Secretary of War.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of the petitions of James Rolf, sen., John Swaim, and Richard Haynes.

On motion by Mr. Marks,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Daniel Cook.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the petition of Benjamin Jones, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. McKinley, from the Committee on the Judiciary, to whom had been referred the bill entitled "An act to alter the time of holding the district

court of the United States for the northern district of Alabama;" and the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes," reported them without amendment.

Mr. Foot, from the Committee on Pensions, to whom was referred the memorial of Martin Miller, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

On motion by Mr. McKinley,

Ordered, That he have leave to withdraw the petition of the inhabitants of Franklin county, Alabama, for an extension of the Cumberland road, presented to the Senate at the first session of the twentieth Congress.

Agreeably to notice given, Mr. King asked and obtained leave to bring in a bill to alter and amend "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" which was read; and

Ordered, That it pass to a second reading.

Mr. Brown, from the joint committee, reported that they had examined, and found duly enrolled,

"An act for the benefit of schools in Lawrence county, Mississippi;" and
 "A resolution in relation to the transmission of public documents printed by order of either House of Congress."

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed the bill from the Senate, entitled "An act making appropriations for carrying into effect certain Indian treaties."

The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

"An act for closing certain accounts, and making appropriations for arrearages, in the Indian department;"

"An act to amend the act for taking the fifth census;" and

"An act for the relief of the representatives of Edward Moore, deceased."

The three bills last mentioned were severally read; and

Ordered, That they pass to a second reading.

The *first* and *second* of said bills were read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on Indian Affairs, and that the *second* be referred to the Committee on the Judiciary.

The bill entitled "An act to extend the time for entering certain donation claims to land in the Territory of Michigan," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

The bill entitled "An act to change the time for holding the rule term of the circuit court for the district of West Tennessee," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Chase,

The Senate resumed, as in Committee of the Whole, the bill for the relief

of John Riddle, Mr. Smith, of Maryland, in the chair; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. Knight, and by unanimous consent,

Ordered, That the President appoint a member on the Committee to Audit and Control the Contingent Expenses of the Senate, in place of Mr. Baker; and

Mr. Robinson was appointed.

On motion by Mr. Marks, and by unanimous consent,

Ordered, That the President appoint a member on the Committee on Engrossed bills, in place of Mr. Baker; and

Mr. Robinson was appointed.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

FRIDAY, JANUARY 7, 1831.

The Vice President communicated a letter from the Solicitor of the Treasury, transmitting abstracts of the suits brought by the United States on Treasury transcripts, on custom-house bonds, and for fines, penalties, and forfeitures, which were pending on the fourth day of July last.

Mr. Barnard presented the memorial of several citizens of Pennsylvania, praying that the existing treaties with the Cherokee Indians may be faithfully observed by the United States; and

Ordered, That it be referred to the Committee on Indian Affairs, and printed.

Mr. Barnard presented the memorial of several masters of vessels engaged in the trade through Back creek and the Chesapeake and Delaware canal, praying that the obstructions to the navigation of Back creek may be removed; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Chase presented the petition of Nathan Gates, a soldier of the Revolution, praying for a pension; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Frelinghuysen presented the petition of the heirs of James Caldwell, deceased, who was a Chaplain in the army of the Revolution, praying that indemnity may be made for the losses sustained by the deceased during the war; and

Ordered, That it be referred to the Committee of Claims, and printed.

On motion by Mr. Livingston,

Ordered, That the petition of Archibald W. Hamilton, presented at the last session, be referred to the Committee of Claims.

Mr. Hendricks presented the petition of Samuel Williams and John E. Metcalf, praying that patents may be directed to issue to them for two tracts of land in Indiana; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Troup, from the Committee on Indian Affairs, to whom had been referred the bill entitled "An act for closing certain accounts, and making appropriations for arrearages, in the Indian Department;" and the bill entitled "An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes;" reported them without amendment.

Mr. Dickerson, from the select committee to whom was referred the resolution proposing an amendment to the Constitution of the United States, as it respects the periods to which any person can be elected President of the United States, reported it without amendment.

Mr. Foot, from the Committee of Claims, to whom was referred the petition of the heirs of Barent J. Staats, deceased, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Ordered, That the report be printed.

The following motions, submitted by Mr. Hendricks, were considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to improve the navigation of the two White rivers, in the State of Indiana, from their junction with the Wabash as high up as they may be considered navigable.

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of allowing the claim of John P. Hedges, of Indiana, for property destroyed by the Pottawattamie Indians during the late war; and that the papers herewith be referred to the same committee.

The following motion, submitted by Mr. Kane, was considered and agreed to:

Resolved, That the Committee on the Contingent Expenses of the Senate be instructed to inquire into the expediency of fixing the compensation of the witnesses who have been summoned to attend the trial of the impeachment now pending against James H. Peck, Judge of the district court of the United States for the district of Missouri, and of providing for the payment thereof.

The following motion, submitted by Mr. Barton, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Palmyra, by Canton, to Lancaster, in Marion county, Missouri.

Mr. Barton laid on the table a letter from Edward White, relative to the subject of the last mentioned resolution; and

Ordered, That it be referred to the same committee.

The Senate proceeded to consider the report of the Committee on Finance on the petition of Benjamin Jones; and,

On motion by Mr. Ruggles,

Ordered, That it lie on the table.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President.

The House of Representatives have passed the bill from the Senate entitled "An act to amend an act entitled 'An act to provide for paying to the State of Illinois three per centum of the nett proceeds arising from the sale of the public lands within the same.'"

The Vice President signed the enrolled bill and the enrolled resolution last reported to have been examined; and they were delivered to the committee, to be laid before the President of the United States.

The bill entitled "An act for the relief of the legal representatives of Edward Moore, deceased;" and

The bill to alter and amend "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" were severally read the second time, and considered as in Committee of the whole; and

Ordered, That the *first* be referred to the Committee on Naval Affairs, and at the *second* be referred to the Committee on Public Lands.

The bill for the relief of John Riddle, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of representatives in said bill.

The Senate resumed, as in Committee of the Whole,

The bill for the relief of Joseph E. Sprague; and

The bill for the relief of Francis Larche, of New Orleans, Mr. King in the chair; and no amendment having been proposed, they were severally reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The bill for the relief of James Thomas, late a Quartermaster General of the army of the United States; and

The bill to enable the President to extinguish Indian title within the State of Indiana; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The bill to provide for the payment of Joshua Kennedy, of Alabama, for losses sustained by him by the destruction of his property, in the year 1813, by the hostile Creek Indians, in consequence of its having been occupied as a fort or garrison by the troops of the United States, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. McKinley,

Ordered, That it lie on the table.

The bill to reduce the price of a portion of the public lands heretofore in market, and to grant a preference to actual settlers, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Sprague,

Ordered, That it lie on the table.

On motion by Mr. Tyler,

Ordered, That the heirs of William Barker, deceased, have leave to withdraw their petition and papers, presented to the Senate at the second session of the twentieth Congress.

On motion by Mr. Smith, of Maryland,

Resolved, That when the Senate adjourns, it be to Monday next, at 11 o'clock.

On motion by Mr. Sprague,

Ordered, That the opinions of James H. Peck, Judge of the district court of the United States for the district of Missouri, in the cases of Chouteau's heirs, and Joseph Wherry and others, be printed for the use of the Senate.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned.

MONDAY, JANUARY 10, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting an abstract of all licenses to trade with the Indians, granted by the superintendents and agents during the year ending the 30th September, 1830.

The Vice President communicated a letter from the Secretary of the Navy, transmitting statements showing the names and compensations of the several clerks employed in his office, and in that of the Commissioners of the Navy Board, during the year 1830.

The Vice President communicated a letter from the Executive of the State of Georgia, enclosing a resolution of the Legislature of that State, *instructing* the Senators and *requesting* the Representatives of that State in Congress, to vote against all measures calculated to aid or foster a system of internal improvement; and,

On motion by Mr. Troup,

Ordered, That the resolution lie on the table.

On motion by Mr. Smith, of Maryland,

Ordered, That the Committee on Finance be discharged from the consideration of the bill for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased; and that it be referred to the Committee on the Judiciary.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the petition of George W. Dun & Company, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed a bill entitled "An act to amend the several acts respecting copy-rights;" in which they request the concurrence of the Senate.

The said bill was read; and

Ordered, That it pass to a second reading.

Mr. Forsyth presented the memorial of Joseph Nourse, late Register of the Treasury, praying that the balance ascertained to be due to him from the United States for extra services, by a report of Auditors appointed by the district court for the District of Columbia, may be paid.

Mr. Livingston presented the memorial of the heirs of Thomas F. Townsley, deceased, praying that the claim of the deceased for damages sustained by the non-payment by the United States of a bill of exchange given him by the proper agent, for provisions and other stores furnished for the use of the army in 1825, may be paid.

Ordered, That the memorials be referred to the Committee of Claims.

Mr. Ruggles presented the petition of the inhabitants of the town of London, in Ohio, praying that the Cumberland road may be made to pass through that place; and

Ordered, That it be referred to the Committee on Roads and Canals.

Mr. Barnard presented three memorials; and

Mr. Marks presented two memorials, from sundry citizens of Pennsylvania; severally praying that the treaties entered into with the Cherokee Indians may be faithfully observed by the United States; and

Ordered, That they be referred to the Committee on Indian Affairs.

Mr. Dudley presented the petition of Josiah Goldsmith, a soldier of the revolution, praying for a pension; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Ellis, from the committee on Public Lands, to whom was referred a bill for the relief of Woodson Wren, reported it without amendment.

Mr. Ellis, from the same committee, to whom was referred the petition of Samuel Coburn, of the State of Mississippi, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Barton, from the same committee, to whom was referred the bill authorizing the sale of a tract of land therein named, reported it with an amendment; which was read.

Mr. Barton, from the same committee, to whom was referred the petition of Robert Wash, reported a bill for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri; which was read; and

Ordered, That it pass to a second reading.

Mr. Chase, from the Committee on Pensions, to whom was referred the petition of Ezekiel Canfield, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Chase, from the same committee, to whom was referred the petition of Hugh Barnes, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Hendricks, from the Committee on Roads and Canals, to whom the subject was referred by a resolution of the Senate of the 23d ultimo, reported a bill to authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida; which was read; and

Ordered, That it pass to a second reading.

Mr. Barton, from the Committee on Public Lands, to whom was referred the bill entitled "An act to extend the time for entering certain donation claims to land in the Territory of Arkansas," reported it without amendment.

Mr. Kane, from the same committee, to whom was referred the bill entitled "An act to establish a land office in the Territory of Michigan, and for other purposes," reported it with amendments; which were read.

On motion by Mr. Ellis,

Ordered, That Thomas Gullage have leave to withdraw his petition and papers.

Agreeably to notice given, Mr. Benton asked and obtained leave to bring a bill for the relief of William Bradshaw; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

On motion by Mr. Ellis,

Ordered, That the Committee on Public Lands be discharged from the consideration of the memorial of the Legislature of Mississippi, relative to vacant lots in Columbus.

On motion by Mr. Naudain,

That the Committee on Military Affairs be discharged from the consideration of the memorial of George Armstrong,

On motion by Mr. Ruggles,
Ordered, That the motion lie on the table.

On motion by Mr. Chase,
Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Dawalt Keller.

The following motions, submitted by Mr. Benton, were considered and agreed to:

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of providing by law for the appointment of a sub-agent to the Winnebago Indians, to reside on the waters of Rock river, according to the request of said Indians, and according to the treaty of August 1st, 1829, as agreed upon by the said Indians and the Commissioners of the United States, but disagreed to by the Senate as a part of said treaty.

Resolved, That the Committee on Indian Affairs be instructed to inquire into the expediency of making appropriations to treat with the Kickapoo tribe of Indians, and with the remnants of the Peorias, Weas, Piankeshaws, Shawnees, and Kaskaskias, all in the State of Missouri, for the extinguishment of their possessory claims in said State, and removal to permanent homes beyond the limits thereof.

The bill for the relief of Joseph E. Sprague;

The bill for the relief of Francis Larche, of New Orleans;

The bill for the relief of James Thomas, late Quartermaster General of the Army of the United States; and

The bill to enable the President to extinguish Indian title within the State of Indiana, having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The bill to establish a town at St. Marks, and at the mouth of Appalachicola river, in Florida, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Foot,

Ordered, That it lie on the table.

On motion by Mr. Smith, of Maryland,

Ordered, That 1500 additional copies of the President's message of the 4th instant, transmitting the correspondence with Great Britain relative to the colonial trade, be printed for the use of the Senate.

On motion by Mr. King,

Ordered, That the deposition of Marie Philip Le Duc, given in evidence in the case of the heirs of Mackay Wherry against the United States, be printed in connexion with the opinion of Judge Peck in that cause, for the use of the Senate.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, JANUARY 11, 1831.

The Vice President communicated a letter from the Secretary of the Navy, transmitting a statement prepared by the Commissioners of the Navy, showing the purchases and contracts made for supplies or services for the Navy during the year 1830.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting a statement of the names and salaries of the several clerks employed in the Treasury Department during the year 1830.

The Vice President presented the petition of the clerks employed in the First Comptroller's office, praying for an increase of compensation; and

Ordered, That it be referred to the Committee on the Judiciary.

On motion by Mr. Naudain,

Ordered, That the Committee on Military Affairs be discharged from the consideration of the memorial of Samuel Earle, and that it be referred to the Committee on Pensions.

Mr. Troup presented several resolutions of the Legislature of Georgia, on the subject of the boundary line between that State and the Territory of Florida; and,

On motion by Mr. Troup,

Ordered, That they lie on the table, and be printed.

Mr. Livingston presented the petition of Curell, Kilshaw & Company, merchants of New Orleans, praying for a remission of a part of the duties paid by them on certain imported articles.

Mr. Tyler presented the petition of the administrator of John R. Fox, deceased, praying that the expenses incurred by the deceased in the seizure of a smuggler, in 1825, may be reimbursed.

Mr. Woodbury presented the petition of Antoine Dequindre, of Detroit, praying that certain custom-house bonds executed by Louis Dequindre and himself, in 1817, may be cancelled.

Ordered, That the three petitions last mentioned be referred to the Committee on Commerce.

On motion by Mr. Foot,

Ordered, That Daniel Stoddard have leave to withdraw his petition and papers.

Mr. Ruggles, from the Committee of Claims, to whom was referred the petition of Augustine Taney and wife, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

On motion by Mr. Iredell,

Ordered, That the Committee on Military Affairs be discharged from the consideration of the petition of Elizabeth Scott, daughter of William Blackwell, deceased.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the memorial of Peters and Pond, made a report, accompanied by a bill for their relief. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

"An act for the relief of Thomas Fitzgerald;" and

"An act for the relief of Aaron Fitzgerald."

The House of Representatives have passed a bill, entitled "An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, upon the river Potomac;" in which they request the concurrence of the Senate.

The said bill was read; and

Ordered, That it pass to a second reading.

Mr. Chase, from the Committee of Claims, to whom was referred the petition of John Daly, late of Canada, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

On motion by Mr. McKinley,

The Senate resumed, as in Committee of the Whole, the bill to provide for the payment of Joshua Kennedy, of Alabama, for the losses sustained by him by the destruction of his property, in the year 1813, by the hostile Creek Indians, in consequence of its having been occupied by the troops of the United States—Mr. Foot in the chair; and the blank having been filled with the words *twenty thousand dollars*, the bill was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Secretary of War communicate to the Senate the report of a survey of the Wabash river, heretofore made under the direction of the War Department.

The following motions, submitted by Mr. Kane, were considered and agreed to:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of altering the times for holding the district courts for the district of Illinois.

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the Secretary of the Treasury to audit and pay the accounts of the Agent employed by the Governor of Arkansas to select the two townships of land given by Congress to said Territory for a seminary of learning.

The following motion, submitted by Mr. Burnet, was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of placing the name of William Delzell, a soldier of the Revolution, on the pension roll.

The Senate proceeded to consider the report of the Committee of Claims on the petition of the heirs of Barent J. Staats, deceased; and, in concurrence therewith,

Resolved, That the prayer of the petitioners ought not to be granted.

The Senate proceeded to consider the report of the Committee on Finance on the petition of George W. Dun & Company; and, in concurrence therewith,

Resolved, That the prayer of the petitioners ought not to be granted.

The bill entitled "An act to amend the several acts respecting copy-rights," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

WEDNESDAY, JANUARY 13, 1831.

Mr. Noble communicated the credentials of the Honorable William Hendricks, appointed a Senator by the Legislature of the State of Indiana, for

the term of six years from and after the third day of March next, which were read.

The Vice President communicated a letter from the Secretary of War, transmitting a statement showing the names and compensations of the clerks employed in his office during the last year.

Mr. Hendricks presented the petition of James Hogland, praying for the correction of an error at the land office at Indianapolis, in his entry of a half quarter section of land.

Mr. King presented the petition of William Smith, administrator of John Taylor, deceased, stating that he relinquished a half quarter section of land at the land office at Cahaba, in Alabama, by mistake; and praying that another certificate may be issued to him on payment of the purchase money.

Mr. Troup presented the petition of the widow of J. C. Symmes Harrison, deceased, late Receiver of public moneys for the district of Vincennes, praying that the estate of the deceased may be released from the payment of a balance claimed by the United States.

Ordered, That the said petitions be referred to the Committee on Public Lands.

Mr. Clayton presented the petition of William D. Acken, praying remuneration for his expenses as agent for the preservation of live oak timber in East Florida; and

Ordered, That it be referred to the Committee of Claims.

Mr. Marks presented the memorial of sundry citizens of Pennsylvania, praying that the Southern Indians may be protected in all the rights and privileges guaranteed to them by treaty stipulations; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. King presented the memorial of the widow of William King, deceased, praying that certain arrears of pay due at the death of her husband, as a Colonel in the army, may be paid.

Mr. Dickerson presented the memorial of William Gamble, praying that his claims for arrears of pension, and property lost during the late war, may be paid.

Ordered, That said memorials be referred to the Committee on Military Affairs.

On motion by Mr. Woodbury,

Ordered, That the Committee on Commerce be discharged from the consideration of the petitions of Curell, Kilshaw & Company, and the administrator of John R. Fox, deceased; and that they be referred to the Committee on Finance.

Mr. Woodbury, from the Committee on Commerce, to whom had been referred the bill extending further the right of debenture to the port of Key West, and altering the limits of the district of Key West; and the bill making appropriation for the improvement of Back creek; reported them without amendment.

Mr. Woodbury, from the same committee, to whom was referred the petition of Antoine Dequindre, reported a bill for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased; which was read; and

Ordered, That it pass to a second reading.

Mr. Iredell, from the Committee on the Contingent Expenses of the Senate, to whom the subject was referred by a resolution of the Senate of the

7th instant, reported a bill making provision for the compensation of witnesses, and payment of other expenses attending the trial of the impeachment of James H. Peck; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr Ellis asked and obtained leave to bring in a bill for the relief of William Burris, of Mississippi; which was read; and

Ordered, That it pass to a second reading.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the bill entitled "An act for the relief of the legal representatives of Edward Moore, deceased," reported it without amendment.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr President: The House of Representatives have passed bills from the Senate of the following titles, viz:

"An act to amend an act, entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same;" and

"An act concerning the town and village commons in Missouri;" with amendments to the latter bill.

The House of Representatives have passed a bill entitled "An act to authorize the construction of three schooners for the naval service of the United States;" and a bill entitled "An act for the benefit of Percis Lovely;" in which amendments and bills they request the concurrence of the Senate.

The two bills last mentioned were read; and

Ordered, That they pass to a second reading.

On motion by Mr. Hayne,

The bill entitled "An act to authorize the construction of three schooners for the naval service of the United States," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Naval Affairs.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act concerning the town and village commons in Missouri;" and,

On motion by Mr. Barton,

Ordered, That they be referred to the Committee on Public Lands.

The bill entitled "An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, upon the river Potomac," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Brown, from the joint committee, reported that they had examined, and found duly enrolled,

"An act for the relief of Aaron Fitzgerald;"

"An act to amend an act entitled "An act to provide for paying to the State of Illinois three per centum of the nett proceeds arising from the sale of the public lands within the same;"

"An act making appropriations for carrying into effect certain Indian treaties;" and

"An act to change the time of holding the rule term of the circuit court for the district of West Tennessee."

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the progress of the Cumberland road in the State of Indiana.

The following motion, submitted by Mr. Ruggles, was considered and agreed to:

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of making an appropriation for the construction of the Cumberland road westwardly of Zanesville, in the State of Ohio.

The Senate proceeded to consider the report of the Committee of Claims on the petition of Augustine Taney and wife; and,

On motion by Mr. Chambers,

Ordered, That the consideration thereof be postponed to, and made the order of the day for the 26th instant.

The bill to provide for the payment of Joshua Kennedy, of Alabama, for the losses sustained by him by the destruction of his property, in the year 1813, by the hostile Creek Indians, in consequence of its having been occupied by the troops of the United States, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The Senate resumed, as in Committee of the Whole, Mr. Smith, of Maryland, in the chair, the bill for the relief of George Johnston; and,

On motion by Mr. McKinley,

Ordered, That it lie on the table.

The bill supplemental to the act "granting the right of pre-emption to settlers on the public lands," approved the 29th day of May, 1830;

The bill to incorporate St. Vincent's Orphan Asylum, in the District of Columbia; and

The bill for the relief of Joseph S. Cannon; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed four enrolled bills, I am directed to bring them to the Senate for the signature of their President.

After proceedings as the High Court of Impeachment, as stated on the record, and the consideration of Executive business,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 13, 1831.

The Vice President signed the four enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, January 11, 1831.

To the Senate of the United States:

I transmit to Congress a report of the Secretary of State, with the report.

to him from the Patent Office, which accompanied it, in relation to the concerns of that office, and recommend the whole subject to early and favorable consideration.

ANDREW JACKSON.

Mr. Burnet presented the petition of the inhabitants of Hamilton county, Ohio, praying that the practice of transporting the mail on Sunday may be prohibited by law; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Barton presented the petition of Rufus Easton, of Missouri, stating that he is possessed of certain confirmed land claims which interfere with the rights of others, and praying to be authorized to locate them elsewhere.

Mr. Johnston presented the petition of sundry citizens of the State of Louisiana, praying that the land office may be re-opened at New Orleans.

Ordered, That the two petitions last mentioned be referred to the Committee on Public Lands.

Mr. Marks presented the petition of John Conard, Marshal of the eastern district of Pennsylvania, praying that the expenses incurred by him in the execution of his official duties in the judicial proceedings against a late Collector of the port of Philadelphia, may be reimbursed; and

Ordered, That it be referred to the Committee on the Judiciary.

On motion by Mr. McKinley,

Ordered, That the Committee on the Judiciary be discharged from the consideration of the petition of the clerks in the First Comptroller's office, and that it be referred to the Committee on Finance.

On motion by Mr. Marks,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Isaac Foot.

At his request, Mr. Willey was excused from serving on the Joint Committee on Enrolled Bills; and, by unanimous consent, the Vice President appointed Mr. Naudain in his place.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. McKinley, from the Committee on the Judiciary, to whom had been referred the bill to provide for the legal adjudication and settlement of the claims to land therein mentioned, and the bill for the relief of J. N. Cardozo, reported them without amendment.

Agreeably to notice given, Mr. Burnet asked and obtained leave to bring in a bill for the relief of James Sprague; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

Agreeably to notice given, Mr. Chambers asked and obtained leave to bring in a bill providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the petition of William B. Matthews, trustee, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

The following motion, submitted by Mr. McKinley, was considered and agreed to:

Resolved, That the Committee on Private Land Claims inquire into the expediency of amending the act of the last session of Congress, for the re-investigation of certain land claims in the Territory of Arkansas

The bill for the relief of William Burris, of Mississippi; and

The bill entitled "An act for the benefit of Percis Lovely," were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That they be referred to the Committee on Public Lands.

The bill supplemental to the act "granting the right of pre-emption to settlers on the public lands," approved the 29th day of May, 1830;

The bill to incorporate Saint Vincent's Orphan Asylum, in the District of Columbia; and

The bill for the relief of Joseph S. Cannon; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved. That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to alter the time of holding the district court of the United States for the northern district of Alabama; and,

On motion by Mr. Sprague,

Ordered, That it lie on the table.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes;" and it was amended and reported to the Senate; and the amendment being concurred in,

Ordered, That the amendment be engrossed, and the bill read a third time as amended.

The bill granting a pension to Martin Miller;

The bill for the relief of Samuel Coburn, of the State of Mississippi; and

The bill for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for closing certain accounts, and making appropriations for arrearages, in the Indian Department;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to provide, hereafter, for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes;" and,

On motion by Mr. Smith, of Maryland,

Ordered, That it lie on the table.

On motion by Mr. Sanford,

The Senate resumed, as in Committee of the Whole, the bill concerning the gold coins of the United States; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the resolution proposing an amendment to the Constitution of the United States, as it respects the periods to which any person can be elected President of the United States; and,

On motion by Mr. Dickerson,

Ordered, That it lie on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Woodson Wren, of Mississippi; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill authorizing the sale of a tract of land therein named, together with the amendment reported thereto by the Committee on Public Lands; and the amendment having been agreed to, the bill was reported to the Senate; and the amendment being concurred in,

Ordered, That the bill be engrossed, and read a third time.

Mr. Naudain, from the joint committee, reported that they this day laid before the President of the United States the enrolled resolution, and the five enrolled bills, last reported to have been examined and signed; and that they had examined, and found duly enrolled,

“An act for the relief of Thomas Fitzgerald;” and

“An act to amend an act entitled ‘An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same.’”

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The House of Representatives have passed a bill entitled “An act making appropriations for the payment of revolutionary and invalid pensioners;” in which they request the concurrence of the Senate.

The last mentioned bill was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Finance.

The Vice President signed the two enrolled bills last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States.

After proceedings as the High Court of Impeachment, as stated on the record, and the consideration of Executive business,

The Senate adjourned to 11 o'clock to morrow morning.

FRIDAY, JANUARY 14, 1831.

Mr. Smith, of Maryland, presented the memorial of Barbara Reily, widow of William Reily, deceased, who was an officer in the army of the Revolution, and a pensioner under the act of March, 1818, praying for the payment of certain arrears of his pension.

Mr. Hendricks presented the petition of John Storm, a soldier of the Revolution, praying for a pension.

Ordered, That the memorial and petition be referred to the Committee on Pensions.

Mr. Frelinghuysen presented the memorial of the inhabitants of the township of Woodbridge, New Jersey, praying that the act passed at the last session of Congress, providing for the removal of certain Indians beyond the Mississippi, may be repealed; and

Ordered, That it be referred to the Committee on Indian Affairs, and printed.

Mr. Hendricks presented the petition of the inhabitants of Elkhart county, Indiana, praying that a road may be opened through the public lands under the direction of the Legislature of that State; and

Ordered, That it be referred to the Committee on Roads and Canals.

Mr. Hendricks presented the petition of John Gough, praying for the correction of an error in his entry of a quarter section of land; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Tyler presented the petition of John J. Jacob, praying that his claim for commutation money for revolutionary services may be paid; and

Ordered, That it be referred to the Committee of Claims.

Mr. Marks presented the memorial of several citizens of the State of Pennsylvania, praying that the southern Indians may be protected in their just rights and privileges; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. King presented the petition of John B. Toulmin, praying that his claim to a lot of ground in the city of Mobile may be confirmed; and

Ordered, That it be referred to the Committee on Private Land Claims.

On motion by Mr. Forsyth,

Ordered, That the resolutions of the Legislature of the State of Georgia, on the subject of boundary between that State and Florida, be referred to the Committee on the Judiciary.

Mr. Benton presented the petition of Bennet Riley, a brevet major in the army, praying to be paid for horses lost while conducting a caravan of traders to Santa Fe, in 1829; and

Ordered, That it be referred to the Committee on Military Affairs.

Agreeably to notice given, Mr. Livingston asked and obtained leave to bring in a bill for the relief of the representatives of John P. Cox; deceased which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee of Claims.

Agreeably to notice given, Mr. Holmes asked and obtained leave to bring in a bill for the relief of the legal representatives of Daniel McIntire, deceased; which was read twice by unanimous consent, and considered as Committee of the Whole; and

Ordered, That be it referred to the Committee on Pensions.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the petition of Elizabeth Scott, assignee of Alexander Scott, junior, reported a bill for her relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Foot, from the Committee of Claims, to whom was referred the petition of John W. Holmes, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Brown, from the Committee of Claims, to whom was referred the petition of Ebenezer Lobdell, made a report, accompanied by a bill for his relief. *The bill was read; and*

Ordered, That it pass to a second reading.

On motion by Mr. Johnston,

The Senate resumed, as in Committee of the Whole, the bill for the relief of George Johnston; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The following motion, submitted by Mr. Foot, was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of restoring Abner Slade to the pension list.

The following motion, submitted by Mr. Benton, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, at the commencement of the next session of Congress, the annual amount, in quantity and value, of importations and exportations of the following articles of drugs, medicines, and dye-stuffs, with the amounts of gross revenue accruing upon the importation of each article, and of nett revenue received into the Treasury; and with his opinion of the time at which the duties upon said articles may be abolished without affecting the payment of the public debt, to wit:

Aloes, alum, annatto, antimony, aqua-fortis, arrow-root, asafoetida, balsam capevi, Peruvian and other bark, borax, brimstone, sulphur, camphor, catharides, cochineal, cream of tartar, essences of lemon, lavender, and bergamot, chamomile, gums, ipecacuanha, jalap, licorice, vitriol, madder, manna, magnesia, opium, quicksilver, rhubarb, sarsaparilla, Seneca root, sugar of lead, sulphate of quinine, tartaric acid, verdigris; together with any other articles of drugs, medicines; and dye-stuffs, subject to duty, that may be imported into the United States. And that the said Secretary be requested to state whether any of the said articles are of the growth, produce, or manufacture of the United States; and, if so, to what degree, compared to the wants and consumption of the Union.

The following motion, submitted by Mr. Smith, of Maryland, was considered and agreed to:

Resolved, That the Secretary of War be directed to report to the Senate, in the first week of the next session of Congress, whether any land adjoining fort McHenry be necessary for the safety of the fortifications, and, if any, what number of acres, and at what price the same may be purchased.

The following motion, submitted by Mr. Hendricks, was considered and agreed to:

Resolved, That the Committee on Pensions be instructed to inquire into the expediency of allowing to Thomas Porter, of Indiana, a pension, based on the highest rank he held in the army during the late war, in consequence of wounds received in the battle of the Mississinawa, and that the papers herewith be referred to the same committee.

On motion by Mr. Noble, and by unanimous consent,

Resolved, That the Commissioner of the General Land Office be directed to communicate to the Senate copies of all the proceedings on file in his office, relative to the location of lands in Indiana, by the Commissioners appointed on the part of the State of Indiana, and the Commissioner or Agent appointed by the authority of the United States, under the act, entitled "An act to authorize the State of Indiana to locate and make a road therein named;" also copies of all letters addressed to him, relating to the subject of the location of the land in question, together with the decision of the late acting Commissioner of the General Land Office on the subject.

The bill for the relief of Ezekiel Canfield; and

The bill for the relief of Hugh Barnes, were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The amendment to the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and,

On motion by Mr. King,

Ordered, That it be recommitted to the Committee on the Judiciary.

The bill concerning the gold coins of the United States;

The bill authorizing the sale of a tract of land therein named;

The bill for the relief of Woodson Wren, of Mississippi;

The bill granting a pension to Martin Miller; and

The bill for the relief of Samuel Cobun, of the State of Mississippi; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

The bill for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri, having been reported by the committee correctly engrossed, was read the third time; and the blank in the second section having been filled with the words *eighteen months*,

Resolved, That the bill pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in the six bills last mentioned.

The bill entitled "An act for closing certain accounts, and making appropriations for arrearages, in the Indian Department," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill to authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida, was read the second time, and considered as in Committee of the Whole; and no amendment having been made, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Vice President communicated a letter from the Secretary of State, transmitting a statement, showing the names and salaries of the clerks employed in the Department of State during the last year.

Agreeably to the order of the day, the Senate resumed, as in Committee of the Whole, the bill to provide for the satisfaction of claims due to certain American citizens, for spoliations committed on their commerce prior to the thirtieth day of September, in the year 1800; and,

On motion by Mr. Smith, of Maryland,

Ordered, That it be postponed to, and made the order of the day for the 24th instant.

On motion by Mr. Livingston,

Ordered, That the report of the select committee on the subject of the last mentioned bill, be printed.

Agreeably to the order of the day, the Senate resumed the consideration of the bill for the relief of Thomas L. Winthrop and others, directors of an association called the New England Mississippi Land Company; and,

On motion by Mr. McKinley,

Ordered, That it lie on the table.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to extend the time for entering certain donation claims to land in the Territory of Arkansas;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to establish a land office in the Territory of Michigan, and for other purposes," together with the amendments reported thereto by the Committee on Public Lands; and the said amendments having been agreed to, the bill was further amended, and reported to the Senate; and the amendments being concurred in,

Ordered, That the amendments be engrossed, and the bill read a third time as amended.

The bill for the relief of Peters and Pond, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

On the question "Shall this bill be engrossed, and read a third time?"

It was determined in the affirmative, { Yeas, 26,
Nays, 18.

On motion by Mr. Benton,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Dudley, Frelinghuysen, Hendricks, Holmes, Johnston, King, Knight, Livingston, Marks, Naudain, Noble, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith, of Maryland, Sprague, Webster, Willey.

Those who voted in the negative, are,

Messrs. Benton, Brown, Dickerson, Ellis, Foot, Forsyth, Grundy, Hayne, Iredell, Kane, McKinley, Poindexter, Robinson, Smith, of South Carolina, Tazewell, Troup, Tyler, Woodbury.

On motion by Mr. Livingston,

Resolved, That when the Senate adjourns, it be to Monday next at 11 o'clock.

The Senate then adjourned.

MONDAY, JANUARY 17, 1831.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I transmit to Congress a report from the Director of the Mint, exhibiting the operations of that institution during the year 1830.

ANDREW JACKSON.

January 12, 1831.

Mr. Sanford presented the petition of several citizens of the counties of Rensselaer and Saratoga, in New York, who are desirous of emigrating

d settling in the county of Calhoun, in the Territory of Michigan, praying that the right of pre-emption to certain portions of the public lands may be granted to them and their associates; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Sanford presented the petition of Samuel Browning, of Boston, patentee of the "Magnetic Separating Machine," praying for an extension of his patent; and

Ordered, That it be referred to the Committee on the Judiciary.

By unanimous consent, Mr. Livingston asked and obtained leave to bring a bill to enable the President to fit out vessels for the purposes therein mentioned; which was read twice by unanimous consent, and considered as in committee of the Whole; and it was amended, and reported to the Senate; and the amendment being concurred in, the blank in the second section was filled with the words *fifteen thousand dollars*; and

Ordered, That the bill be engrossed, and read a third time.

The said bill having been engrossed,

On motion by Mr. Livingston,

It was read the third time by unanimous consent; and

On the question "Shall this bill pass?"

It was determined in the affirmative,	{ Yeas,	26,
	{ Nays,	13.

On motion by Mr. Forsyth,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Hendricks, Johnston, Kane, Knight, Livingston, Marks, Naudain, Noble, Robbins, Ruggles, Seymour, Silsbee, Smith, of Maryland, Sprague, Webster, Woodbury.

Those who voted in the negative, are,

Messrs. Benton, Brown, Ellis, Forsyth, Grundy, Hayne, King, McKinstry, Poindexter, Robinson, Smith, of South Carolina, Tazewell, Tyler.

So it was

Resolved, That the said bill pass, and that the title thereof be "An act to enable the President to employ vessels for the purposes therein mentioned."

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

A message from the House of Representatives, by Mr. Clarke, their clerk:

Mr. President: The House of Representatives have resolved to attend the Senate from day to day, during the argument of counsel in the impeachment now pending against James H. Peck, District Judge of Missouri.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

TUESDAY, JANUARY 18, 1831.

Mr. Smith, of Maryland, presented the memorial of S. and W. Meeteer, praying for an alteration of the existing mode of procuring the paper used in the printing for Congress; and

Ordered, That it be referred to the committee appointed to audit and control the contingent expenses of the Senate.

Mr. Webster presented the memorial of several merchants and manufac-

turers of Boston and its vicinity, praying for a drawback of the duty upon nails manufactured from imported iron; and

Ordered, That it be referred to the Committee on Commerce.

Mr. McKinley presented the memorial of the Legislature of the State of Alabama, praying for further relief to the purchasers of public lands, and an extension of the right of pre-emption; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Iredell presented a resolution of the Legislature of the State of North Carolina, requesting the Senators and Representatives from that State in Congress, "to use their best endeavors to induce the General Government to undertake the re-opening of the communication at or near Nagg's Head, between the Albemarle sound and the Atlantic ocean;" and

Ordered, That it be referred to the Committee on Commerce, together with the report and survey made by the United States' engineers on the subject, and communicated to the Senate on the 23d February, 1829.

Mr. Ruggles presented the petition of the executors of Thomas Worthington, deceased, praying that the estate of the deceased may be released from the operation of a judgment in favor of the United States; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Marks, from the Committee on Pensions, to whom had been referred the documents of William Vance, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the bill entitled "An act for the relief of Matthias Roll," reported it with an amendment; which was read.

Agreeably to notice given, Mr. McKinley asked and obtained leave to bring in a bill to amend the act granting "certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved the 23d of May 1828; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Roads and Canals.

Mr. Ellis, from the Committee on Public Lands, to whom was referred the bill for the relief of William Burris, of Mississippi, reported it without amendment.

Mr. Ellis, from the same committee, to whom was referred the petition of George B. Dameron and William Hawze, of Mississippi, reported a bill for their relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Ruggles, from the Committee of Claims, to whom was referred the petition of Benjamin S. Smoot, of Alabama, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Holmes, from the Committee on Pensions, to whom was referred the bill for the relief of the legal representatives of Daniel McIntire, deceased, reported it without amendment.

Mr. Holmes, from the same committee, to whom was referred the petition of Jabez Sawyer, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Foot, from the Committee of Claims, to whom was referred the petition of Duval and Carnes, made a report, accompanied by a bill for their relief. The bill was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Grundy asked and obtained leave to bring a bill for the relief of Benedict Joseph Flaget; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Benton asked and obtained leave to bring a bill to reduce the duties on Indian blankets, and certain other Indian goods, not manufactured in the United States; which was read; and

Ordered, That it pass to a second reading, and be printed.

Mr. McKinley, from the Committee on the Judiciary, to whom was re-committed the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes," reported it with an amendment; which was read.

Mr. Chase, from the Committee on Pensions, to whom was referred the petition of Daniel Tilton, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Chase, from the Committee on Pensions, to whom was referred the petition of William Scott, of Tennessee, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

The amendments to the bill entitled "An act to establish a land office in the Territory of Michigan, and for other purposes," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

The bill for the relief of George Johnston;

The bill for the relief of Ezekiel Canfield;

The bill for the relief of Hugh Barnes; and

The bill to authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The bill entitled "An act to extend the time for entering certain donation claims to land in the Territory of Arkansas," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

WEDNESDAY, JANUARY 19, 1831.

Mr. Hendricks presented resolutions of the Legislature of the State of Indiana, requesting the Senators and Representatives from that State in Congress to exercise their best exertions to procure a pension for William

Lindsey, Howard Putnam, Peter Houston, Francis Odler or Outler, Culbreith Tisdell, William Ray, William Owens, and John Buck, for their revolutionary services; and for *John Rogers*, who was wounded at the battle of Tippecanoe, in 1811, a pension from the time of his discharge.

Mr. Hendricks presented the petition of *Peter Houston*, praying for a pension in consideration of revolutionary services, to which is appended a recommendation of a number of the inhabitants of the State of Indiana.

He also presented the petition of the inhabitants of Knox county, in Indiana, praying that a pension may be granted to *William Lindsey* for his revolutionary services.

Mr. Ruggles presented the petition of Benjamin Wood, praying for a pension on account of injuries received while in the military service of the United States.

Mr. Sprague presented the petition of John Blake, praying for a pension on account of revolutionary services.

He also presented the petition of James Belger, praying for a pension on account of infirmities created in the military service of the United States.

Ordered, That the said resolutions and petitions be referred to the Committee on Pensions.

On motion by Mr. Hendricks,

Ordered, That he have leave to withdraw the resolution of the Legislature of Indiana, and other documents, in support of the claim of John Allison to a pension, presented to the Senate at the first session of the nineteenth Congress.

Mr. Barnard presented three memorials of a number of the inhabitants of the State of Pennsylvania, remonstrating against the law of last session, for the removal of certain Indian tribes west of the Mississippi, and praying for its repeal; and

Ordered, That they be referred to the Committee on Indian Affairs, and that one of them be printed.

Mr. Hayne presented the memorial of the Chamber of Commerce of Charleston, South Carolina, complaining of the unequal duties levied on American vessels in the ports of the Spanish West India islands; and, also, of the exorbitant duties imposed on American rice in the dominions of Portugal; and praying that the proper measures may be taken, either by negotiation or otherwise, to remedy those evils; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Ruggles presented the petition of sundry citizens of the State of Ohio, praying that a portion of the public lands may be appropriated for the construction of certain public roads; and

Ordered, That it be referred to the Committee on Roads and Canals.

Mr. Ellis presented the memorial of the President and Trustees of the Mississippi College, praying for the aid of Congress by the grant of a township of the public lands; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Sanford presented the petition of William Eaton, praying that his claims for transporting public funds, and losses sustained on Treasury notes, may be paid; and

Ordered, That it be referred to the Committee of Claims.

Mr. Hendricks, from the Committee on Roads and Canals, to whom was referred the bill to amend the act granting "certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved the 23d of May, 1828, reported it without amendment.

Mr. Barton, from the Committee on Public Lands, to whom had been referred

The bill to authorize the inhabitants of the State of Louisiana to enter the back lands;

The bill for the relief of Henry Case; and

The bill for the relief of James Sprague; reported them, severally, without amendment.

Mr. Barton, from the same committee, to whom had been referred the amendments of the House of Representatives to the bill entitled "An act concerning the town and village commons in Missouri," reported them without amendment.

The Senate then resumed the consideration of the said amendments; and *Resolved*, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the bill entitled "An act to authorize the construction of three schooners for the naval service of the United States," reported it without amendment.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the bill to alter and amend "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive," reported it without amendment.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the bill providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war, reported it with an amendment; which was read.

Mr. Kane, from the Committee on Public Lands, to whom the subject was referred by a resolution of the Senate of the 11th instant, reported a bill to authorize the Secretary of the Treasury to make compensation to the agent employed to select college lands in the Territory of Arkansas; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Ruggles asked and obtained leave to bring in a bill for the relief of Benjamin Gibbs; which was read; and

Ordered, That it pass to a second reading.

Mr. Webster, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to amend the several acts respecting copyrights," reported it without amendment.

Mr. Hendricks, from the Committee on Roads and Canals, to whom the subject was referred by resolutions of the Senate of the 12th instant, reported a bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois; which was read; and

Ordered, That it pass to a second reading.

The following motion, submitted by Mr. King, was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of directing, by law, that the lands reserved from sale at Fort Jackson, in the State of Alabama, be offered at public sale as soon as practicable.

The following motion, submitted by Mr. Foot, was considered and agreed to:

Resolved, That the Commissioner of the General Land Office be directed to report to the Senate the quantity of public lands surveyed, which

have not been brought into market; also the quantity surveyed in each State and Territory since the year 1826, and the amount received from the sales in each of the several States and Territories in which sales have been made, since the year 1826.

The following motion, submitted by Mr. Poindexter, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Malcolm's, in the county of Jefferson, to Meadville, Zion Hill, and Liberty, in the State of Mississippi, thence to Mark Boatner's, Montpelier, Springfield, and Madisonville, in the State of Louisiana.

The bill for the relief of Benedict Joseph Flaget, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Finance.

The bill for the relief of Peters and Pond, having been reported by the committee correctly engrossed, was read the third time; and it having been amended by unanimous consent,

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

On motion by Mr. Sprague,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to alter the time of holding the district court of the United States for the northern district of Alabama;" and it was amended and reported to the Senate; and the amendments being concurred in,

Ordered, That the amendments be engrossed, and the bill read a third time as amended.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 20, 1831.

Mr. Holmes presented the petition of the inhabitants of Kittery, in Maine, praying that the southern Indians may not be removed from their present abodes; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Holmes presented the petition of the inhabitants of Kittery, in Maine, praying that the practice of transporting the mail on Sunday may be prohibited by law; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Hendricks presented the petition of the inhabitants of Tippecanoe county, Indiana, praying that the land office at Crawfordsville may be removed to Fayette; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Dudley presented the memorial of David Beard, praying compensation for eleven kegs of gunpowder, taken for public use; and

Ordered, That it be referred to the Committee of Claims.

Mr. Chambers presented the petition of sundry citizens of the Eastern Shore of Maryland, praying that an appropriation may be made for improving the navigation of Back creek; and

Ordered, That it lie on the table.

On motion by Mr. Foot,
Ordered, That the Committee of Claims be discharged from the consideration of the petition of Thomas Pinnell, and that it be referred to the Secretary of War.

Mr. Barton presented the petition of William Tharpe, praying for an equitable settlement of his claims against the United States; and
Ordered, That it be referred to the Committee of Claims.

On motion by Mr. Woodbury,
Ordered, That the Committee on Commerce be discharged from the consideration of the memorial, yesterday referred, of the Chamber of Commerce Charleston, South Carolina; and that it be referred to the President of the United States.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the memorial of John Haslett, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

Mr. Smith, of Maryland, from the same committee, to whom was referred the bill entitled "An act making appropriations for the payment of stationary and invalid pensioners," reported it without amendment.

Mr. Smith, of Maryland, from the same committee, to whom was referred such of the President's message at the commencement of the session as relates to the subject, reported a bill to repeal the duties on certain importations; which was read; and

Ordered, That it pass to a second reading.

Mr. Hayne, from the Committee on the Judiciary, to whom was referred a bill entitled "An act authorizing the Secretary of State to issue a patent to John Powell," reported it without amendment.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the petition of Bennet Riley, reported a bill for the relief of brevet major Riley, and lieutenants Brook and Seawright; which was read; and
Ordered, That it pass to a second reading.

Mr. Naudain, from the joint committee, reported that they yesterday before the President of the United States the two enrolled bills reported to have been examined and signed; and that they had examined, and found duly enrolled, the bill entitled "An act for closing certain accounts, making appropriations for arrearages, in the Indian Department."

On motion by Mr. Naudain,
Ordered, That the Committee on Military Affairs be discharged from the consideration of the memorial of William Gamble, and that it be referred to the Committee on Pensions.

On motion by Mr. Smith, of Maryland,
 The Senate resumed the consideration of the bill entitled "An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes"—Mr. Foot in the chair; and

Mr. Smith, of Maryland, having proposed sundry amendments thereto,
 On motion by Mr. Dudley,
Ordered, That the bill and amendments be laid on the table, and that the amendments be printed.

The following motion, submitted by Mr. Chambers, was considered and adopted to:

Resolved, That the Committee on Pensions be instructed to inquire into the propriety of placing Peter Clear, formerly a private soldier in the war of the revolution, on the pension list.

have not been brought into market; also the quantity surveyed in each State and Territory since the year 1826, and the amount received from the sales in each of the several States and Territories in which sales have been made, since the year 1826.

The following motion, submitted by Mr. Poindexter, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Malcolm's, in the county of Jefferson, to Meadville, Zion Hill, and Liberty, in the State of Mississippi, thence to Mark Boatner's, Montpelier, Springfield, and Madisonville, in the State of Louisiana.

The bill for the relief of Benedict Joseph Flaget, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Finance.

The bill for the relief of Peters and Pond, having been reported by the committee correctly engrossed, was read the third time; and it having been amended by unanimous consent,

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

On motion by Mr. Sprague,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to alter the time of holding the district court of the United States for the northern district of Alabama;" and it was amended and reported to the Senate; and the amendments being concurred in,

Ordered, That the amendments be engrossed, and the bill read a third time as amended.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 20, 1831.

Mr. Holmes presented the petition of the inhabitants of Kittery, in Maine, praying that the southern Indians may not be removed from their present abodes; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Holmes presented the petition of the inhabitants of Kittery, in Maine, praying that the practice of transporting the mail on Sunday may be prohibited by law; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Hendricks presented the petition of the inhabitants of Tippecanoe county, Indiana, praying that the land office at Crawfordsville may be removed to Fayette; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Dudley presented the memorial of David Beard, praying compensation for eleven kegs of gunpowder, taken for public use; and

Ordered, That it be referred to the Committee of Claims.

Mr. Chambers presented the petition of sundry citizens of the Eastern Shore of Maryland, praying that an appropriation may be made for improving the navigation of Back creek; and

Ordered, That it lie on the table.

Mr. Marks presented the petition of the citizens of Pittsburg, Pennsylvania, praying that an appropriation may be made for improving the navigation of the Ohio river; and

Ordered, That it be referred to the Committee on Commerce, and printed.

Mr. Webster presented the memorial of the inhabitants of Andover, in Massachusetts, praying that the treaty stipulations with the southern Indians may be faithfully observed by the United States; and

Ordered, That it lie on the table, and be printed.

Mr. Burnet presented the petition of the sureties of Amos Edwards, late collector of direct taxes of the sixth collection district of Kentucky, praying to be released from responsibility on account of the defalcations of their principal; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Johnston presented the petition of sundry citizens of Louisiana, praying that the land office may be re-opened at New Orleans; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Barton, from the Committee on the Public Lands, to whom petitions on the subjects were referred, reported

A bill for the relief of James Hogland;

A bill for the relief of John Gough, and other Canadian refugees; and

A bill for the relief of William Smith, administrator of John Taylor, deceased. The said bills were severally read; and

Ordered, That they pass to a second reading.

Mr. Hayne, from the Committee on the Judiciary, to whom was referred the petition of Samuel Browning, reported a bill to extend the patent of Samuel Browning for a further period of fourteen years; which was read:

Ordered, That it pass to a second reading.

Mr. Marks, from the Committee on Pensions, to whom the subject was referred by a resolution of the Senate of the 14th instant, reported a bill for the relief of Thomas Porter, of Indiana; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Benton asked and obtained leave to bring a bill for the relief of John Cunningham, senior; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Sprague asked and obtained leave to bring a bill for the relief of Sophia Gardner; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Naval Affairs.

On motion by Mr. Iredell,

The bill making provision for the compensation of witnesses, and payment of other expenses attending the trial of the impeachment of James H. Beck, was read the second time, and considered as in Committee of the Whole—Mr. Foot in the chair; and the blank in the fifth section having been filled with the word *twelve*, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The said bill having been reported by the committee correctly engrossed, was read the third time by unanimous consent; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The following motion, submitted by Mr. Noble, was considered and agreed to:

Resolved, That the President of the United States be requested to withhold all patents for lands sold at the Crawfordsville land office in the month of November last, in which the State of Indiana may be concerned, under the provisions of an act entitled "An act to authorize the State of Indiana to locate and make a road therein named;" the said patents to be withheld until the General Assembly of the State of Indiana can be heard on the subject, and the further action of Congress on the same subject, should it be desired, or become necessary.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the report of the Committee of Claims on the petition of John W. Holmes; and

On motion by Mr. Foot,

Ordered, That it lie on the table.

The bill to reduce the duties on Indian blankets, and certain other Indian goods, not manufactured in the United States; and

The bill for the relief of Benjamin Gibbs, were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on Indian Affairs, and that the *second* be referred to the Committee of Claims.

The amendments to the bill entitled "An act to alter the time of holding the district court of the United States for the northern district of Alabama," having been reported by the committee engrossed, the bill was read the third time as amended; and the title being amended,

Resolved, That the bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

The bill for the relief of John Daly, late of Canada, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate, and the blank filled with the words *five thousand dollars*; and

Ordered, That the bill be engrossed, and read a third time.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

FRIDAY, JANUARY 21, 1831.

Mr. Ruggles presented the petition of Joseph Watson, praying to be compensated for performing the duties of secretary and store-keeper to the Indian department in the northwest.

Mr. Sanford presented the petition of Joseph Wells, who commanded a company of New York militia in the late war, praying to be compensated for the services of himself and those under his command.

He also presented the petition of Marshall Smith, praying to be paid for two horses and harness, lost in the public service.

Ordered, That the said petitions be referred to the Committee of Claims.

Mr. Grundy presented the petition of John Thompson, a soldier of the revolution, praying for a pension; and

Ordered, That it be referred to the Committee on Pensions.

The Senate resumed, as in Committee of the Whole, the bill to provide for the legal adjudication and settlement of the claims to land therein mentioned; and,

On motion by Mr. Smith, of Maryland,

Ordered, That it lie on the table.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

SATURDAY, JANUARY 22, 1831.

Mr. Smith, of Maryland, presented the petition of sundry ship owners and others of that State, praying that a light-house and bell may be erected at one of the points immediately at the entrance of the harbor of Baltimore; and that all vessels navigating the Chesapeake bay, and its tributary rivers, may be compelled to carry and display lights after sundown.

Mr. Woodbury presented the memorial of sundry merchants and others of Portsmouth, New Hampshire, and its vicinity, praying that a drawback on the duties may be allowed on nails manufactured from iron.

Ordered, That the petition and memorial be referred to the Committee on Commerce.

Mr. McKinley presented the petition of Isaac Keys, praying that a patent, in fee simple, may be issued to him for a section of land, to which he is entitled under the treaties of 1817 and 1819, with the Cherokee Indians.

He presented the petition of William Rice, a non-commissioned officer in the army during the late war, praying that his claim for bounty land may be allowed.

He also presented the petition of John D. Terrell, praying for the correction of an error made in his entry of a quarter section of land at the land office at Huntsville, in Alabama.

Mr. Ellis presented the memorial of the Legislature of the State of Mississippi, praying that the trustees of Jefferson college may be authorized to surrender the township of land granted for the use of that institution, and that they may be authorized to locate an equal quantity elsewhere.

Ordered, That the three petitions and the memorial last mentioned be referred to the Committee on Public Lands.

Mr. McKinley presented a joint resolution of the Legislature of the State of Alabama, *instructing* the Senators, and *requesting* the Representatives from that State in Congress, to use their exertions in opposition to any measure that may tend to retard the transportation of the mail; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads, and printed.

Mr. Ellis presented the memorial of the Legislature of the State of Mississippi, praying that a survey may be made of the bayou which breaks out of the Mississippi below the Chickasaw Bluffs, with a view to the improvement of its navigation; and

Ordered, That it be referred to the Secretary of War.

Agreeably to notice given, Mr. King asked and obtained leave to bring in A bill for the relief of John Chandler and William Johnson; and

A bill for the relief of Benjamin S. Smoot; which were severally read twice, by unanimous consent, and considered as in Committee of the Whole; and

On motion by Mr. Smith, of Maryland,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act making appropriations for the payment of revolutionary and invalid pensioners;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The following motion, submitted by Mr. Benton, was considered and agreed to:

Resolved, That the President be requested to cause to be communicated to the Senate any information in the Department of War, (not improper to be made public,) which may show the state of the British establishments in the valley of the Columbia, and the state of the fur trade, as carried on by the citizens of the United States and the Hudson Bay Company.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the report of the Committee on Finance on the petition of John Haslett; and, in concurrence therewith,

Resolved, That the prayer of the petitioner ought not to be granted.

The bill for the relief of John Daly, late of Canada, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The Senate resumed, as in Committee of the Whole, the bill to make an appropriation for the improvement of Back creek; and,

On motion by Mr. Woodbury,

Ordered, That it lie on the table.

The bill for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill for the relief of J. N. Cardozo; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill extending further the right of debenture to the port of Key West, and altering the limits of the district of Key West; and,

On motion by Mr. Woodbury,

Ordered, That it be postponed to, and made the order of the day for Friday next.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of the legal representatives of Edward Moore, deceased;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

“An act to extend the time for entering certain donation claims to land in the Territory of Arkansas.”

On motion by Mr. Johnston,

The Senate resumed, as in Committee of the Whole, the bill to provide for the legal adjudication and settlement of the claims to land therein mentioned—Mr. Smith, of Maryland, in the chair; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The bill entitled “An act for the relief of the legal representatives of Edward Moore, deceased,” was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill for the relief of J. N. Cardozo; and

The bill for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The bill for the relief of William B. Matthews, trustee; and

The bill for the relief of Ebenezer Lobdell; were read the second time, and considered as in Committee of the Whole, and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed; and read a third time.

The bill for the relief of Elizabeth Scott, assignee of Alexander Scott, jr., was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Woodbury,

Ordered, That it be postponed to, and made the order of the day for Tuesday next.

The bill for the relief of William Vance was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Hayne,

Ordered, That it lie on the table.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock on Monday morning.

MONDAY, JANUARY 24, 1831.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“An act for the relief of the legal representatives of Edward Moore, deceased.”

Mr. Benton presented the petition of the corporation of the city of St. Louis, in the State of Missouri, praying that an appropriation may be made to aid the corporation in the erection and support of a public hospital, in or near that city, for sick and disabled seamen; and

Ordered, That it be referred to the Committee on Commerce, and printed.

Mr. Burnet presented the petition of the inhabitants of Brown county, Ohio, praying for a repeal of as much of the post office law as requires the opening of the mail on the Sabbath; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Poindexter presented the memorial of the Legislature of the State of Mississippi, praying that the act of the last session "to grant pre-emption rights to settlers on the public lands," may be so amended as to embrace the claims of a number of useful citizens now excluded; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Sprague presented the petition of David and Ebenezer Robinson, praying to be rewarded for their service and hazard in capturing a British privateer on the coast of Maine, in the year 1813; and

Ordered, That it be referred to the Committee on Finance.

Mr. Sprague presented the memorial of the inhabitants of Edgecomb, in Maine, praying that the act of the last session of Congress, for removing certain Indians beyond the Mississippi river, may be repealed, and that all treaties made under it may be rejected; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Sprague presented the petition of Noah Burrell, a pensioner of the United States, praying for an increase of his pension; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Woodbury presented the petition of sundry merchants of Castine, in Maine, praying for the remission of a part of the duties on a quantity of salt imported by them; and

Ordered, That it be referred to the Committee on Finance.

On motion by Mr. King,

Ordered, That the petition of Anthony Minter and John Brantly, presented at the last session, be referred to the Committee on Public Lands.

On motion by Mr. Silsbee,

Ordered, That he have leave to withdraw the memorial of the Mercantile Insurance Company of Salem, presented at the last session.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the petitions of John Mercer, John Thompson, Samuel Earle, John Storms, and Daniel Jewell.

Mr. Foot, from the Committee on Pensions, to whom had been referred, on the 19th instant, sundry resolutions of the Legislature of the State of Indiana, in favor of granting pensions to certain persons, made a report; and, in concurrence therewith,

Ordered, That the committee be discharged from the further consideration of the resolutions.

On motion by Mr. Marks,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Peter Houston.

Mr. Benton, from the Committee on Indian Affairs, to whom was referred the bill to reduce the duties on Indian blankets, and certain other Indian goods, not manufactured in the United States, reported it without amendment.

Mr. Foot, from the Committee on Pensions, to whom the subject was re-

by a resolution of the Senate of the 14th instant, made a report, accompanied by a bill for the relief of Abner Stade. The bill was read; and *read*, That it pass to a second reading.

Foot, from the same committee, reported a joint resolution in relation to certain evidence to be admitted by the several executive departments in the adjudication of all claims under any act of Congress of the United States which was read; and

read, That it pass to a second reading.

McKinley, from the Committee on the Judiciary, to whom was referred the petition of the heirs and executors of Thomas Worthington, de-
reported a bill for their relief; which was read; and

read, That it pass to a second reading.

On motion by Mr. McKinley,

read, That the report of the Committee on the Judiciary on the subject of the last mentioned bill, made to the Senate on the second day of January, 1829, be printed.

King, from the Committee on Finance, to whom had been referred the petitions of Charlotte Cheever and Benjamin Wells, representatives of Nathaniel Cheever, deceased, and William Clark, representative of Ariel Clark, reported a bill for the relief of Nathaniel Cheever and others; which was read; and

read, That it pass to a second reading.

Marks, from the Committee on Pensions, to whom the subject was referred by a resolution of the Senate of the 11th January, reported a bill for the relief of William Delzell, of Ohio; which was read; and

read, That it pass to a second reading.

Iredell, from the Committee on Military Affairs, to whom was referred a bill entitled "An act to authorize the Secretary of War to purchase a certain quantity of land for the fortifications at fort Washington, upon the river Potomac," reported it without amendment.

Senate proceeded to consider the report of the Committee on Finance on a petition of the administrator of John R. Fox, deceased; and, in connection therewith,

read, That the prayer of the petitioner ought not to be granted.

A bill entitled "An act to establish a uniform rule for computing miles of Members of Congress and Delegates of Territories," was read the second time, and considered as in Committee of the Whole; and

read, That it be referred to the Committee on the Post Office and Roads.

A bill to provide for the legal adjudication and settlement of the claims therein mentioned;

A bill for the relief of William B. Matthews, trustee; and

A bill for the relief of Ebenezer Lobdell, having been reported by the Committee correctly engrossed, were severally read the third time; and

read, That they pass, and that their respective titles be as aforesaid.

read, That the Secretary request the concurrence of the House of Representatives in said bills.

Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of Matthias Roll," together with the amendment reported by the Committee on Public Lands—Mr. Smith, of Maryland, in opposition; and the said amendment having been agreed to, the bill was reported to the Senate; and the amendment being concurred in,

Ordered, That it be engrossed, and the bill read a third time as amended. The Senate resumed, as in Committee of the Whole, The bill for the relief of William Burris, of Mississippi; and The bill for the relief of the legal representatives of Daniel McIntire, deceased; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time. The bill for the relief of George R. Dameron and William Hawze, of Mississippi;

The bill for the relief of Benjamin S. Smoot; The bill for the relief of Jabez Sawyer; and The bill for the relief of Duval and Carnes; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time. After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

TUESDAY, JANUARY 25, 1831.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting a report from the Solicitor of the Treasury on the petition of John H. Harrison; and

Ordered, That it be referred to the Committee on the Judiciary. He also communicated a letter from the Commissioner of the General Land Office, transmitting copies of all the proceedings on file in his office, relative to the location of the lands under the act "to authorize the State of Indiana to locate and make a road therein named," together with the decision of the late acting Commissioner of the General Land Office on the subject, prepared in obedience to a resolution of the Senate of the 14th instant.

He also presented the memorial of sundry inhabitants of Erie county, New York, praying for a repeal of that part of the post office law which authorizes the mail to be transported and opened on Sunday.

Mr. McKinley presented the petition of the inhabitants of Lauderdale county, Alabama, praying for the establishment of an additional post route.

Mr. Ruggles presented the memorial of sundry inhabitants of the State of Ohio; and

Mr. Sprague presented the memorial of the inhabitants of Jackson, in Maine; severally praying for a repeal of that part of the post office law which authorizes the mail to be transported and opened on the Sabbath.

Ordered, That the preceding memorials and petition be referred to the Committee on the Post Office and Post Roads.

Mr. Foot presented the petition of Elijah Boardman, praying for an equitable settlement of his accounts as an officer in the army during the late war; and

Ordered, That it be referred to the Committee of Claims. Mr. Webster presented the memorial of sundry citizens of New York and the New England States, praying that a light boat may be placed on the Middle Ground in Long Island sound; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Webster presented the petition of Thomas Denny, praying that grain and other articles may be permitted to be brought from Canada, for the purpose of manufacture, free of duty.

Mr. Sprague presented the petition of the merchants, manufacturers, and others, of Portland, in Maine, and its vicinity, praying for a drawback of the duty on the exportation of nails manufactured from imported iron.

Ordered, That the two petitions last mentioned be referred to the Committee on Finance.

Mr. Sprague presented the petition of Daniel Merrill, a soldier of the revolution, praying for a pension.

Mr. Hendricks presented the memorial of the Legislature of Indiana, praying that a pension be granted to John Buck, a soldier of the revolution.

Ordered, That the petition and memorial last mentioned be referred to the Committee on Pensions.

Mr. Sprague presented the memorial of the inhabitants of Brunswick, in Maine, praying that the southern Indians may be protected in all their rights and privileges, as conferred on them by treaty stipulations; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Hendricks presented, from the Legislature of Indiana,

1. A resolution in favor of the establishment of a land office in the northern part of the State;

2. A resolution in favor of an appropriation of a portion of the public lands to aid the State in the improvement of the State road from Madison to Indianapolis;

3. A memorial, praying that one section of public land may be granted to each county of that State, for the support of asylums for the reception of paupers;

4. A resolution in favor of extending further relief to purchasers of public lands;

5. A memorial, praying for an appropriation to be applied to grading, bridging, and continuing the Cumberland road; and

6. A resolution in favor of an immediate extinguishment of Indian title to lands within that State; and

Ordered, That the *first*, *second*, *third*, and *fourth*, be referred to the Committee on Public Lands; that the *fifth* be referred to the Committee on Roads and Canals; and that the *sixth* be laid upon the table.

Mr. Noble presented the memorial of the Legislature of Indiana, praying for an appropriation to be applied to grading, bridging, and continuing the Cumberland road; and

Ordered, That it be referred to the Committee on Roads and Canals.

The following motion, submitted by Mr. Benton, was considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to include the article of *Balsam of Tolu* in the report which he may make to the Senate under their resolution of the 14th instant.

The amendment to the bill entitled "An act for the relief of Matthias Roll," having been reported by the committee correctly engrossed, the bill was read the third time as amended, and the title amended by adding thereto the words *and William Jackson*; and

Resolved, That this bill pass, with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The bill for the relief of William Burris, of Mississippi;
the bill for the relief of George B. Dameron and William Hawse, of Mississippi;

The bill for the relief of Benjamin S. Smoot;
the bill for the relief of the legal representatives of Daniel McIntire, deceased;

The bill for the relief of Jabez Sawyer; and

The bill for the relief of Duval and Carnes; having been reported by the committee correctly engrossed, were severally read the third time; and *Resolved*, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, containing the information requested by the resolution of the Senate of the 21st instant, in relation to "the state of the British establishments in the valley of the Columbia, and the state of the fur trade as carried on by the citizens of the United States and the Hudson's Bay Company."

ANDREW JACKSON.

January 24, 1831.

Ordered, That it be referred to the Committee on Military Affairs.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to amend the act for taking the fifth census," reported it with amendments; which were read.

Mr. Foot, from the Committee of Claims, to whom was referred the petition of William D. Aiken, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Marks, from the Committee on Pensions, to whom was referred the petition of James Belger, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Barton, from the Committee on Public Lands, to whom was referred the bill entitled "An act for the benefit of Percis Lovely," reported it without amendment.

Mr. Tyler, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes," reported it with amendments; which were read.

Agreeably to notice given, Mr. Johnston asked and obtained leave to bring in a bill to provide for the legal adjudication and settlement of the claim of the heirs of Carlos de Villemont to a tract of land in the Territory of Arkansas; which was read; and

Ordered, That it pass to a second reading.

The bill for the relief of Daniel Tilton, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Foot,

Ordered, That it lie on the table.

The bill for the relief of William Scott, of Tennessee, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole; the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes," together with the amendment reported thereto by the Committee on the Judiciary; and the said amendment having been agreed to, the bill was reported to the Senate; and the amendment being concurred in,

Ordered, That it be engrossed, and the bill read a third time as amended.

The Senate resumed, as in Committee of the Whole, the bill to amend the act granting certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved the 23d of May, 1828; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill to authorize the inhabitants of the State of Louisiana to enter the back lands; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Johnston,

Ordered, That it lie on the table.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Henry Case; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Barton,

Ordered, That it lie on the table.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

WEDNESDAY, JANUARY 26, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting statements of contracts made by the Department of War in the year 1830.

Mr. Sanford presented the petition of Henry Humphrey, praying for a pension on account of his revolutionary services; and

Ordered, That be it referred to the Committee on Pensions.

Mr. King presented the memorial of the Legislature of Alabama, praying for an extension of the right of pre-emption to the settlers on the public lands; for further relief to purchasers of the public lands, and a graduation of the price of the public lands; and

Ordered, That it be referred to the Committee on Public Lands.

On motion by Mr. White,

Ordered, That the petition of John Rhea, presented at the last session, be referred to the Committee on Public Lands.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The bill for the relief of William Burris, of Mississippi;

The bill for the relief of George B. Dameron and William Hawze, of Mississippi;

The bill for the relief of Benjamin S. Smoot;

The bill for the relief of the legal representatives of Daniel McIntire, deceased;

The bill for the relief of Jabez Sawyer; and.

The bill for the relief of Duval and Carnes; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I transmit herewith a report from the Secretary of War, containing the information requested by the resolution of the Senate of the 21st instant, in relation to "the state of the British establishments in the valley of the Columbia, and the state of the fur trade as carried on by the citizens of the United States and the Hudson's Bay Company."

ANDREW JACKSON.

January 24, 1831.

Ordered, That it be referred to the Committee on Military Affairs.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to amend the act for taking the fifth census," reported it with amendments; which were read.

Mr. Foot, from the Committee of Claims, to whom was referred the petition of William D. Acken, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Marks, from the Committee on Pensions, to whom was referred the petition of James Belger, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Barton, from the Committee on Public Lands, to whom was referred the bill entitled "An act for the benefit of Percia Lovely," reported it without amendment.

Mr. Tyler, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes," reported it with amendments; which were read.

Agreeably to notice given, Mr. Johnston asked and obtained leave to bring in a bill to provide for the legal adjudication and settlement of the claim of the heirs of Carlos de Villemont to a tract of land in the Territory of Arkansas; which was read; and

Ordered, That it pass to a second reading.

The bill for the relief of Daniel Tilton, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

On motion by Mr. Livingston,

The Senate resumed the consideration of the motion submitted by him on the 4th instant, proposing an amendment to the rules for conducting impeachments; and,

On motion by Mr. Webster,

Ordered, That it lie on the table.

On motion by Mr. Chase,

The Senate resumed the consideration of the bill for the relief of Daniel Tilton—Mr. Smith, of Maryland, in the chair; and,

On motion by Mr. Noble,

Ordered, That it lie on the table.

The Vice President signed the five enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 27, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting fifty copies of the Army Register for the year 1830.

The Vice President presented the memorial of the mechanics of the city and county of Philadelphia, in the State of Pennsylvania, employed in various branches of the manufacture of iron, complaining of the unequal operation of the existing tariff of duties on imported iron, and praying for a modification thereof; and,

On motion by Mr. Hayne,

Resolved, That it be referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise.

Ordered, That Mr. Hayne, Mr. Dickerson, Mr. King, Mr. Bell, and Mr. Tyler, be the committee.

Mr. Frelinghuysen presented the memorial of the citizens of Brownhelm, in Ohio, praying for a repeal of that part of the post office law which authorizes the mail to be transported and opened on the Sabbath; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. McKinley, from the Committee on the Judiciary, to whom had been referred

The bill for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased; and

The bill for the relief of Thomas Cooper, of South Carolina; reported them without amendment.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the petition of the heirs of Joseph Noble, deceased, reported a bill for their relief; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. McKinley asked and obtained leave to bring in a bill granting a quantity of land to the Territory of Arkansas, for

On motion by Mr. Sprague,

Ordered, That the Committee on Finance be discharged from the consideration of the petition of the merchants and others, of Portland, in Maine, asking a drawback on nails, and that it be referred to the Committee on Commerce.

On motion by Mr. Hendricks,

Ordered, That the Committee on Roads and Canals be discharged from the consideration of the bill to improve the navigation of the Monongahela and Alleghany rivers, and that it be referred to the Committee on Commerce.

On motion by Mr. Benton,

Ordered, That the message yesterday received from the President of the United States, on the subject of the state of the British establishments in the valley of the Columbia, and the state of the fur trade, as carried on by the citizens of the United States and the Hudson's Bay Company, together with the act of the British Parliament, passed July 2d, 1821, entitled "An act for regulating the fur trade, and establishing a criminal and civil jurisdiction, within certain parts of North America," and the letters of General Clark and Governor Cass, addressed to the Committee of the Senate on Indian Affairs, and dated December 27, 1828, be printed, and that 1500 additional copies thereof be sent to the Senate.

Agreeably to notice given, Mr. Livingston asked and obtained leave to bring in a bill for the relief of the representatives of Thomas Bailey and James Rinker; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee of Claims.

Mr. Poindexter, from the Committee on Private Land Claims, to whom was referred the petition of Joseph Vidal, made a report, accompanied by a bill for the relief of the legal representatives of Jacintha Vidal, Thomas Thompson, and Margaret Thompson. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The amendment to the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and the title was amended by inserting *and the northern boundary of the State of Illinois*.

Resolved, That this bill pass with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in said amendment.

The bill to amend the act granting "certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved the 23d day of May, 1828; and

The bill for the relief of William Scott, of Tennessee; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

On motion by Mr. Livingston,

The Senate resumed the consideration of the motion submitted by him on the 4th instant, proposing an amendment to the rules for conducting impeachments; and,

On motion by Mr. Webster,

Ordered, That it lie on the table.

On motion by Mr. Chase,

The Senate resumed the consideration of the bill for the relief of Daniel Filton—Mr. Smith, of Maryland, in the chair; and,

On motion by Mr. Noble,

Ordered, That it lie on the table.

The Vice President signed the five enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to 11 o'clock to-morrow morning.

THURSDAY, JANUARY 27, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting fifty copies of the Army Register for the year 1830.

The Vice President presented the memorial of the mechanics of the city and county of Philadelphia, in the State of Pennsylvania, employed in various branches of the manufacture of iron, complaining of the unequal operation of the existing tariff of duties on imported iron, and praying for a modification thereof; and,

On motion by Mr. Hayne,

Resolved, That it be referred to a select committee, to consist of five members, to consider and report thereon, by bill or otherwise.

Ordered, That Mr. Hayne, Mr. Dickerson, Mr. King, Mr. Bell, and Mr. Tyler, be the committee.

Mr. Frelinghuysen presented the memorial of the citizens of Brownhelm, in Ohio, praying for a repeal of that part of the post office law which authorizes the mail to be transported and opened on the Sabbath; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. McKinley, from the Committee on the Judiciary, to whom had been referred

The bill for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased; and

The bill for the relief of Thomas Cooper, of South Carolina; reported them without amendment.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the petition of the heirs of Joseph Noble, deceased, reported a bill for their relief; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. McKinley asked and obtained leave to bring in a bill granting a quantity of land to the Territory of Arkansas, for

the erection of a public building at the seat of Government of said Territory; which was read; and

Ordered, That it pass to a second reading.

Mr. Silsbee, from the Committee on Finance, to whom had been referred petitions from Portsmouth, New Hampshire, and Castine, Maine, on the subject, reported a bill supplementary to the act to reduce the duty on salt; which was read; and

Ordered, That it pass to a second reading.

Mr. Poindexter, from the Committee on Private Land Claims, to whom was referred the petition of the legal representatives of Palser Shilling, deceased, reported a bill for their relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Hayne, from the Committee on the Judiciary, to whom was referred the petition of John Adamson, reported a bill to extend the patent of John Adamson for a further period of fourteen years; which was read; and

Ordered, That it pass to a second reading.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of the memorial of the Legislature of Indiana, asking a pension for John Buck, and the petition of Henry Humphrey.

On motion by Mr. Poindexter,

Ordered, That the Committee on Private Land Claims be discharged from the consideration of the petition of Hartwell Pick, and that the petitioner have leave to withdraw his petition.

Mr. Naudain, from the joint committee, reported that they this day laid before the President of the United States the six enrolled bills last reported to have been examined and signed.

The following motions, submitted by Mr. Hendricks, were severally considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Indianapolis, by way of the seat of justice of Boon county, and Thorntown, to Lafayette; also, from Madison, by Paris, to Brownstown, in the State of Indiana.

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of authorizing the Legislature of the State of Indiana to sell the lands reserved for saline purposes in that State.

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of authorizing a survey of the mouth of Trail creek, at the southern bend of lake Michigan.

The bill to provide for the legal adjudication and settlement of the claim of the heirs of Carlos de Villemont to a tract of land in the Territory of Arkansas, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Hendricks, from the Committee on Roads and Canals, to whom had been referred petitions from the counties of Allen and Elkhart, in Indiana, on the subject, made a report, accompanied by a bill to authorize the State of Indiana to make a road through the public lands, and making a grant of lands to aid the State in so doing. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

The Senate resumed, as in Committee of the Whole, the bill for the relief of James Sprague—Mr. Smith, of Maryland, in the chair; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to authorize the construction of three schooners for the naval service of the United States;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The Senate resumed, as in Committee of the Whole, the bill to alter and amend "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;" and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill providing for the final settlement of the claims of States for interest on advances to the United States, made during the last war; and,

On motion by Mr. Marks,

Ordered, That it lie on the table.

The bill to authorize the Secretary of the Treasury to make compensation to the agent employed to select college lands in the Territory of Arkansas, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Clayton,

Ordered, That it lie on the table.

After proceedings as the High Court of Impeachment, as stated on the record,

The Senate adjourned to eleven o'clock to-morrow morning.

FRIDAY, JANUARY 28, 1831.

Mr. Noble presented, from the Legislature of the State of Indiana,

1. A joint resolution in favor of extending further relief to purchasers of the public lands;

2. A memorial praying that a section of the public lands may be granted to each county in that State, for the support of asylums for the reception of paupers;

3. A joint resolution in favor of an appropriation of a portion of the public lands, to aid in the improvement of the State road from Madison to Indianapolis; and

4. A joint resolution in favor of an immediate extinguishment of Indian title to land within that State.

Ordered, That the *first* and *second* be referred to the Committee on Public Lands; that the *third* be referred to the Committee on Roads and Canals; and that the *fourth* be referred to the Committee on Indian Affairs.

Mr. Johnston presented the petition of Eliza P. Hickman, widow of Pascal Hickman, deceased, who was a captain in the army during the late war, praying to be paid for eight rifles, captured by the enemy at the river Raisin; and

Ordered, That it be referred to the Committee on Military Affairs.

On motion by Mr. Hendricks,

Ordered, That Israel T. Canby, executor of Ann Sprigg, have leave to withdraw his petition and papers.

On motion by Mr. Kane,

Ordered, That Ward Eldred have leave to withdraw his petition and papers.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the bill for the relief of Don Carlos Dehault Delassus, reported it with an amendment; which was read.

On motion by Mr. Hayne,

Ordered, That Elias Earle have leave to withdraw his petition and papers.

On motion by Mr. Hayne,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to amend the act for taking the fifth census," together with the amendments reported thereto by the Committee on the Judiciary—Mr. Foot in the chair; and the said amendments having been agreed to, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That they be engrossed, and the bill read a third time as amended.

The following motion, submitted by Mr. Kane, was considered and agreed to:

Resolved, That the Committee on Public Lands inquire into the expediency of so altering existing laws as to dispense with the necessity of the President of the United States signing land patents.

The following motion, submitted by Mr. Burnet, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to defray the expense of examining the mouth of the Sandusky river, in the State of Ohio, with a view to the improvement of the navigation thereof.

The following motion, submitted by Mr. Livingston, was considered and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into the expediency of making further provision for the support of Africans captured by vessels of the United States, and brought into the United States.

The following motion, submitted by Mr. King, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of repealing the law establishing a port of entry at Blakeley, in the State of Alabama.

The following motion, submitted by Mr. Clayton, was considered and agreed to:

Resolved, That the select committee appointed to examine and report the present condition of the Post Office Department have power to send for persons and papers.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed a joint "resolution relative to the pay of members of Congress;" in which they request the concurrence of the Senate.

The said resolution was read; and

Ordered, That it pass to a second reading.

The bill granting a quantity of land to the Territory of Arkansas, for the

Ordered, That they be referred to the Committee on Pensions.

Mr. Knight presented the memorial of the Rhode Island Historical Society, praying that measures may be adopted for procuring from the British Government transcripts of all records and manuscripts in its possession, relating to the early history of the United States; and

Ordered, That it be referred to the Joint Committee on the Library of Congress.

Mr. Marks presented sundry documents relating to the claim of John Conard, Marshal of the eastern district of Pennsylvania; and

Ordered, That they be referred to the Committee on the Judiciary.

Mr. Sprague presented two petitions, signed by inhabitants of the towns of Bluehill and Brooks, in Maine, severally praying for a repeal of that part of the post office law which authorizes the mail to be transported and opened on the Sabbath; and

Ordered, That they be referred to the Committee on the Post Office and Post Roads.

Mr. Robinson presented four memorials from the Legislature of Illinois, praying,

1. For a survey and sale of the public lands at the lead mines in Illinois;
2. For an appropriation of money to be applied to the improvement of the navigation of the Wabash river;
3. For an appropriation to aid the State in erecting, at a convenient point near the confluence of the Mississippi and Ohio rivers, a hospital for the reception of sick and disabled seamen; and
4. For the grant of a bounty, in land, to all the officers of the army who served during the late war with Great Britain; and

Ordered, That the *first* be referred to the Committee on Public Lands; that the *second* and *third* be referred to the Committee on Commerce; and that the *fourth* be referred to the Committee on Military Affairs.

Mr. Woodbury presented the petition of the guardians of the children of Joseph Akerman and James Clinton, who died in the private armed naval service of the United States during the late war, severally praying for a continuance of pension to their wards; and

Ordered, That it be referred to the Committee on Naval Affairs.

Mr. Johnston presented the petition of James D. Spurlock, executor of Stephen Tippet, senior, deceased, praying that his claim to a tract of land in Louisiana may be confirmed; and

Ordered, That it be referred to the Committee on Private Land Claims.

Mr. Benton laid on the table a letter from John Scott to the Chairman of the Committee on Military Affairs, relative to the bill from the House of Representatives authorizing the purchase of an additional quantity of land for military fortifications at fort Washington.

Mr. Benton laid on the table a letter from the collector of Philadelphia to the Secretary of War, enclosing a statement of the sales of furs in London during the years 1829 and 1830; and

Ordered, That the letter and statement be printed in connexion with the documents on the same subject which were ordered to be printed on the 28th instant.

Mr. Benton laid on the table a letter from Gen. William Clark, relating to the bill authorizing the appointment of a sub-agent to the Winnebago Indians.

On motion by Mr. Holmes,

Ordered, That the Committee on Pensions be discharged from the consideration of the petitions of Benjamin Wood and Josiah Goldsmith.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of two resolutions of the Legislature of Indiana, in favor of granting pensions to several individuals.

On motion by Mr. Barnard,

Ordered, That Henry Lively have leave to withdraw his petition and papers.

On motion by Mr. Marks,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Noah Burrell.

On motion by Mr. Smith, of Maryland,

Ordered, That the Secretary procure, for the use of the members of the Senate, 1000 copies of the report of the Secretary of the Treasury to the House of Representatives, containing the monthly abstracts of the Bank of the United States, to be paid for at the rate of additional copies.

Mr. Holmes, from the Committee on Pensions, to whom was referred the bill for the relief of John Cunningham, senior, reported it without amendment.

Mr. Holmes, from the same committee, made a report, accompanied by a bill for the relief of Thurston Card. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Holmes, from the same committee, to whom was referred the petition of David Chaplin, Israel Hale, and America Hamlin, made a report, accompanied by a bill for their relief. The bill was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Sanford asked and obtained leave to bring in a bill concerning vessels employed in the whale fishery; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Foot, from the Committee on Pensions, reported a bill for the relief of certain applicants for pensions; which was read; and

Ordered, That it pass to a second reading.

Mr. McKinley, from the Committee on Public Lands, to whom the subject was referred by a resolution of the Senate of the 19th instant, reported a bill to authorize the sale of lands reserved from sale at Fort Jackson, in the State of Alabama; which was read; and

Ordered, That it pass to a second reading.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the petition of the administratrix of Captain Pascal Hickman, reported a bill for her relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Benton laid on the table a letter from John Jacob Astor, on the subject of Indian blankets; and

Ordered, That it be printed.

The resolution from the House of Representatives "relative to the pay of members of Congress," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

The bill entitled "An act authorizing the Secretary of State to issue a patent to John Powell," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill for the relief of Brevet Major Riley, and Lieutenants Brook and Leawright, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass; and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois;

The bill for the relief of James Hogland;

The bill for the relief of John Gough and other Canadian refugees; and

The bill for the relief of William Smith, administrator of John Taylor, deceased; were severally read the second time, and considered as in Committee of the Whole—Mr. King in the chair; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The bill to repeal the duties on certain imported articles, was read the second time, and considered as in Committee of the Whole; and it having been amended,

On motion by Mr. Smith, of Maryland,

Ordered, That it lie on the table.

On motion by Mr. Webster,

Resolved, That, until otherwise ordered, the hour for the daily meeting of the Senate be 12 o'clock.

On motion by Mr. Kane,

Ordered, That Mr. Robinson be excused from voting on the question of guilty or not guilty, on the article of impeachment against James H. Peck, Judge of the district court of the United States for the district of Missouri.

On motion by Mr. Benton,

Ordered, That he also be excused from voting on said question.

Mr. Johnston submitted the following resolution; which was read, and passed to a second reading:

Resolved, That the Secretary of the Senate be directed to procure fifty copies of the debates of the State conventions on the adoption of the Federal Constitution in 1787; one copy of which to be delivered to each member of the Senate.

After proceedings as the High Court of Impeachment, as stated on the record, and the consideration of Executive business,

The Senate adjourned.

TUESDAY, FEBRUARY 1, 1831.

The Vice President communicated a report from the Secretary of the Navy, on the subject of applications for pensions which have been refused or suspended in consequence of the insufficiency of the testimony, and recommending to the favorable consideration of Congress the claims of the widows of those who were lost in the Epervier; and

Ordered, That it be referred to the Committee on Naval Affairs.

Mr. Noble presented, from the Legislature of the State of Indiana,

1. A memorial praying for an appropriation for improving the navigation of the Wabash river;

2. A memorial praying that a mail route be established from the falls of the Ohio to Indianapolis; and

3. A joint resolution in favor of granting to the State a portion of the public lands, to aid in the construction of certain public roads; and

Ordered, That the *first* be referred to the Committee on Commerce; and that the *second* and *third* be referred to the Committee on Roads and Canals.

Mr. Hendricks presented the petition of George Burke; and

Mr. Sanford presented the petition of John Decker; respectively praying for a pension on account of revolutionary services; and

Ordered, That they be referred to the Committee on Pensions.

Mr. Hendricks presented a joint resolution and a memorial of the Legislature of the State of Indiana, praying

1. For a survey of the mouth of the river Des Chimins, with a view to the improvement of its navigation; and

2. For the removal of the obstructions to navigation in the Ohio river; and

Ordered, That they be referred to the Committee on Commerce.

Mr. Sanford presented the petition of Moritz Furst, stating, that, in 1807, he embarked from Leghorn for the United States, pursuant to a contract entered into with the American consul at that place, that he should be employed, on his arrival, as die-sinker and engraver in the mint, which employment he never received; and praying to be remunerated for the consequential injury; and

Ordered, That it be referred to the Committee of Claims.

Mr. Smith, of Maryland, presented the petition of the trustees of William Duncan;

Mr. Willey presented the petition of Stephen Griffith;

Mr. Sprague presented the petition of Aaron Blaney, James Young, Thomas McClure, William Sproul, and James Hackelton; and

Mr. Brown presented the petition of William Cameron; severally praying to be indemnified for losses sustained by French spoliations prior to the year 1800; and

Ordered, That they lie on the table.

On motion by Mr. Naudain,

Ordered, That William Arnel and Aaron Marshall have leave to withdraw their respective petitions and papers.

On motion by Mr. Tyler,

Ordered, That the Committee on the District of Columbia be discharged from the consideration of the memorial of Salvator Pinistri, and that he have leave to withdraw the same.

Mr. Ruggles, from the Committee of Claims, to whom was referred the memorial of John Nicks, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Webster, from the Committee on the Judiciary, to whom was referred the memorial of John Culbertson, reported a bill for the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana; which was read; and

Ordered, That it pass to a second reading.

Mr. Tyler, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act to incorporate a fire insurance company in Georgetown, in the District of Columbia," reported it with an amendment; which was read.

Mr. Tyler, from the same committee, to whom was referred the bill entitled "An act for the punishment of crimes in the District of Columbia," reported it with amendments; which were read.

Mr. Woodbury, from the Committee on Commerce, to whom had been referred the bill to improve the navigation of the Monongahela and Alleghany rivers, and the bill concerning vessels employed in the whale fishery, reported them severally without amendment.

Mr. Woodbury, from the same committee, to whom was referred, on the 29th December last, a resolution on the allowance for draft on articles subject to duty by weight, made a report; and, in concurrence therewith,

Ordered, That the committee be discharged from the further consideration of the subject.

The following motion, submitted by Mr. Burnet, was considered and agreed to:

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation for the purpose of erecting a light-house at port Clinton, on lake Erie, in the State of Ohio.

The resolution directing the Secretary of the Senate to procure fifty copies of the debates of the State conventions on the adoption of the Federal Constitution, for the use of the Senate, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The bill for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois;

The bill for the relief of James Hogland;

The bill for the relief of John Gough and other Canadian refugees; and

The bill for the relief of William Smith, administrator of John Taylor, deceased; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have concurred in the amendments of the Senate to the bill entitled "An act to amend the act for taking the fifth census," and the bill entitled "An act for the relief of Matthias Roll;" and

They have passed bills from the Senate of the following titles, viz:

"An act to authorize the transportation of merchandise by land or by water, with the benefit of debenture;"

"An act to amend the act entitled 'An act to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio,' approved the 26th of May 1830;" and

"An act making provision for the compensation of witnesses, and payment of other expenses attending the trial of the impeachment of James H. Peck;" with amendments to the latter bill; in which they request the concurrence of the Senate.

"The Senate proceeded to consider the amendments of the House of Representatives to the last mentioned bill; and

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

After the consideration of Executive business,
The Senate adjourned.

WEDNESDAY, FEBRUARY 2, 1831.

Mr. Smith, of South Carolina, presented the petition of Samuel Maverick, claimant of four quarter sections of land in Indiana, praying to be authorized to avail himself of the benefits of the several acts for the relief of purchasers of public lands; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Tyler presented the petition of John W. Bronaugh, and the petition of the representative of William Respass, deceased, severally praying to be indemnified for losses sustained by French spoliations prior to the year 1800; and

Ordered, That they lie on the table.

Mr. Burnet presented the memorial of the inhabitants of Brown county, Ohio, praying for the repeal of the act of the last session authorizing the removal of certain Indians beyond the Mississippi river, and that the Indians may be protected in the rights and privileges guaranteed to them by treaty stipulations; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Barton presented sundry documents in support of the petition of Rufus Easton; and

Ordered, That they be referred to the Committee on Public Lands.

On motion by Mr. Kane,

Ordered, That the Committee on Private Land Claims be discharged from the consideration of the resolution of the Senate of the 13th ultimo, on the subject of amending the act of the last session of Congress for the investigation of certain land claims in the Territory of Arkansas.

On motion by Mr. Barton,

Ordered, That the Committee on Public Lands be discharged from the consideration of the bill to provide for the legal adjudication and settlement of the claim of the heirs of Carlos de Villemont to a tract of land in the Territory of Arkansas, and that it be referred to the Committee on the Judiciary.

Mr. Ellis, from the Committee on Public Lands, to whom the subject was referred by a resolution of the Senate of the 27th December last, reported a bill to create the office of Surveyor of the Public Lands for the State of Louisiana; which was read; and

Ordered, That it pass to a second reading.

Mr. Grundy, from the Committee on the Post Office and Post Roads, to whom was referred the bill entitled "An act to establish a uniform rule for computing mileage of members of Congress and delegates of Territories," reported it with amendments; which were read.

Mr. Woodbury, from the Committee on Commerce, to whom the subject was referred by a resolution of the Senate of the 28th ultimo, reported a bill to repeal the act "to establish the district of Blakely;" which was read; and

Ordered, That it pass to a second reading.

Mr. Kane, from the Committee on Public Lands, to whom the subject was referred by resolutions of the Senate of the 22d and 27th ultimo, re-

orted a bill authorizing the States of Indiana, Illinois, and Missouri, to dispose of certain salt springs, and lands reserved for the use of the same; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Johnston asked and obtained leave to bring in a bill giving further time for registering claims to land in the eastern district of Louisiana; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Brown, from the joint committee, reported that they had examined, and found duly enrolled,

“An act to amend the act for taking the fifth census;”

“An act to amend the several acts respecting copy-rights;”

“An act for the relief of Matthias Roll and William Jackson;” and

“An act to authorize the construction of three schooners for the naval service of the United States.”

A message from the House of Representatives, by Mr. Clarke, their clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The Vice President signed the four enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

On motion by Mr. Poindexter, and by unanimous consent,

Resolved, That the Postmaster General be requested to communicate to the Senate such information as may be in his Department relative to the obstructions to the safe transportation of the mails over the Homochitto swamp, between Natchez and Woodville, in the State of Mississippi, on the great western route to New Orleans; and also whether such obstructions can be removed by the funds of the said Department without inconvenience or injury to its general operations.

Mr. Barton, from the Committee on Public Lands, to whom was referred the bill for the relief of William Bradshaw, reported it without amendment.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled, “An act making provision for the compensation of witnesses, and payment of other expenses attending the trial of the impeachment of James H. Peck.”

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

The Vice President signed the enrolled bill last reported to have been examined, and it was delivered to the committee to be laid before the President of the United States.

Agreeably to notice given, Mr. Benton asked leave to bring in a joint resolution, declaring it to be the sense of Congress that the charter of the Bank of the United States ought not to be renewed; and

On the question, “Shall the leave asked be granted?”

It was determined in the negative, { Yeas, 20,
Nays, 22.

On motion by Mr. Webster,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative, are,

Messrs. Barnard, Benton, Bibb, Brown, Dickerson, Dudley, Forsyth, Grundy, Hayne, Iredell, King, McKinley, Poindexter, Sanford, Smith, of South Carolina, Tazewell, Troup, Tyler, White, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chase, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Livingston, Marks, Noble, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, of Maryland, Sprague, Webster, Willey.

The resolution for the purchase of fifty copies of the debates on the adoption of the Federal Constitution, having been reported by the committee correctly grossed, was read the third time; and

On the question, "Shall this resolution pass?"

It was determined in the affirmative,	{ Yeas,	: : : : :	23,
	{ Nays,	: : : : :	20.

On motion by Mr. Brown,

The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative, are,

Messrs. Barnard, Bell, Benton, Burnet, Chase, Clayton, Dudley, Holmes, Johnston, King, Knight, Livingston, Marks, Noble, Poindexter, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, of Maryland, Webster, Willey.

Those who voted in the negative, are,

Messrs. Barton, Bibb, Brown, Dickerson, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Iredell, McKinley, Sanford, Smith, of South Carolina, Sprague, Tazewell, Troup, Tyler, White, Woodbury.

The following motion, submitted by Mr. McKinley, was considered:

Resolved, That the Senate will on *Thursday* next, at twelve o'clock, proceed to elect a printer to the Senate for the twenty-second Congress.

On motion by Mr. Marks,

The said motion was amended by striking out the word "*Thursday*," and inserting *Tuesday*, and then agreed to.

Agreeably to notice given, Mr. King asked and obtained leave to bring in a bill to amend the laws organizing a territorial government in Florida; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

The Senate then adjourned.

THURSDAY, FEBRUARY 3, 1831.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

February 3, 1831.

To the Senate of the United States:

I respectfully submit to the Senate, in answer to their legislative resolution of the 20th ultimo, in relation to the sales of land at the Crawfordsville land office in November last, reports from the Secretary of the Treasury and the Commissioner of the General Land Office.

Concurring with the Secretary of the Treasury in the views he has taken on the treaties and act of Congress touching the subject, I cannot discover that the President is invested with any power under the Constitution or laws to withhold a patent from a purchaser who has given a fair and valuable consideration for land, and thereby acquired a vested right to the same; nor do I perceive that the sole legislative resolution of the Senate can confer such power, or suspend the right of the citizens to enter the lands that have been offered for sale in said district and remain unsold, so long as the law authorizing the same remains unrepealed.

I beg leave, therefore, to present the subject to the re-consideration of the Senate.

ANDREW JACKSON.

On motion of Mr. Noble,

Ordered, That the message and documents be referred to the Committee on Public Lands.

Mr. Holmes presented the petition of Ezekiel Foster, praying for a remission of a part of the duties on certain imported articles.

Mr. Woodbury presented the memorial of the citizens of Portsmouth, New Hampshire, praying for an increase of the silver coinage of the United States.

Mr. Hayne presented the memorial of the clerks in the Fourth Auditor's Office, praying for an increase of their compensation.

Ordered, That the said petition and memorials be referred to the Committee on Finance.

Mr. Sanford presented the petition of the inhabitants of Saranac, New York, praying for the establishment of a post route; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Benton presented the memorial of the corporation of the city of St. Louis, Missouri, praying that the vacant town and common lots may be granted to the corporation; and

Ordered, That it lie on the table.

Mr. Benton laid on the table the answers of the collector of the port of Mackinaw to interrogatories propounded by the Committee of the Senate on Indian Affairs, on the subject of Indian blankets; and

Ordered, That they be printed.

Mr. Webster, from the Committee on the Judiciary, reported a bill respecting the jurisdiction of certain district courts; which was read; and

Ordered, That it pass to a second reading.

Mr. Naudain, from the joint committee, reported that they this day laid before the President of the United States the five enrolled bills last reported to have been examined and signed.

The bill to extend the patent of Samuel Browning for a further period of fourteen years, was read the second time, and considered as in Committee of the whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed and read a third time.

The following motion, submitted by Mr. Grundy, was considered:

Resolved, That the select committee appointed on the fifteenth day of December last to inquire into the condition of the Post Office Department are not authorized to call before them the persons who have been dismissed from office, for the purpose of ascertaining the reasons or causes of their removal.

and Receiver of the land office at Washington, Mississippi, praying to be compensated for extra services; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the "joint resolution relative to the pay of members of Congress," reported it without amendment, accompanied by a special report thereon; and

Ordered, That the report be printed.

Mr. Foot, from the Committee on Pensions, to whom was referred the petition of George Nelson made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading.

Mr. Kane, from the Committee on Private Land Claims, to whom was referred the petition of John B. Toulmin, reported a bill confirming the claim of John B. Toulmin to a lot in the city of Mobile; which was read; and

Ordered, That it pass to a second reading.

Mr. White, from the Committee on Indian Affairs, reported a bill making appropriations for carrying into effect certain Indian treaties; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Livingston asked and obtained leave to bring in a bill relative to the duties of the clerks in the Executive Departments; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Woodbury, from the Committee on Commerce, to whom had been referred the memorial of the Legislature of Illinois, and the petition of the corporation of the city of St. Louis, Missouri, asking for the erection of a marine hospital near the junction of the Ohio and Mississippi rivers, made a report, accompanied by the following resolution:

Resolved, That the prayers of the memorials be not granted.

Ordered, That the report be printed.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed the bill from the Senate, entitled "An act for the relief of William Smith, administrator of John Taylor, deceased."

They have also passed bills of the following titles, in which they request the concurrence of the Senate, viz:

"An act to provide for the final settlement and adjustment of the various claims preferred by James Monroe against the United States;"

"An act to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds;"

"An act to direct the manner of issuing patents on confirmed land claims in the Territory of Florida;" and

"An act to repeal the charges imposed on passports and clearances."

On motion by Mr. Grundy,

The Senate resumed the consideration of his motion of yesterday, declaring that the select committee appointed to inquire into the condition of the Post Office Department "are not authorized to call before them the persons who have been dismissed from office, for the purpose of ascertaining the reasons or causes of their removal;" and after debate,

On motion by Mr. Grundy,
Ordered, That it lie on the table.

On motion by Mr. Webster,
Resolved, That when the Senate adjourns, it be to Monday next.
After the consideration of Executive business,
The Senate adjourned.

MONDAY, FEBRUARY 7, 1831.

The Vice President communicated a letter from the Postmaster General, transmitting copies of all contracts made by him and his predecessor in office, on which allowances had been made for additional services, with statements designating the additional service performed, and the allowance therefor, in each case; prepared in obedience to a resolution of the Senate of the 14th of May last; and

Ordered, That the letter and documents be referred to the Committee on the Post Office and Post Roads.

Mr. Kane presented memorials from the Legislature of the State of Illinois, praying

1. For the privilege of relinquishing the school lands, and locating others in lieu thereof;
2. For a grant of land to certain persons; and
3. For an appropriation to aid the State in making a road from Vincennes to St. Louis; and

Ordered, That the *first* and *second* be referred to the Committee on Public Lands; and that the *third* be referred to the Committee on Roads and Canals.

Mr. Barton presented the petition of Henry Lane, late Receiver of Public Moneys at Palmyra, Missouri, praying that his claim for transporting public moneys to Louisville, Kentucky, for deposit, may be allowed; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Hendricks presented the petition of sundry inhabitants of the State of Indiana, praying that a post route may be established from Burlington, Kentucky, to Versailles, Indiana; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Barnard presented the petition of John Ross, praying for a pension on account of revolutionary services; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Barnard presented the petition of Joseph McClellan, praying that his claim for commutation money and land, as a captain in the army of the revolution, may be allowed; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Barnard presented the petition of Gabriel Garesche, merchant of Philadelphia, praying to be refunded the additional duties collected under the tariff law of 1828 on a quantity of merchandise imported by him from France; and

Ordered, That it be referred to the Committee on Finance.

Mr. Barnard presented the memorial of sundry merchants of Philadelphia, praying for an appropriation for the removal of obstructions to the navigation in Back creek; and

Ordered, That it lie on the table.

Mr. Chase presented the petition of Moses Morse, and the petition of William Carlisle, severally praying for a pension on account of revolutionary services; and

Ordered, That they be referred to the Committee on Pensions.

Mr. Kane presented eight petitions, signed by inhabitants of the State of Illinois, praying that the Cumberland road from Vandalia to Jefferson city may be so located as to pass through the town of Alton; and for a mail route from Edwardsville, Illinois, to St. Charles, Missouri; and

Ordered, That they lie on the table.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of the petitions of Salmon Tryon and John Decker.

Mr. Ellis laid on the table additional documents in support of the claim of George Nelson to a pension.

Mr. Bell presented the petition of the inhabitants of Offord, New Hampshire, praying for a repeal of that part of the post office law, which authorizes the mail to be transported and opened on the Sabbath; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Clayton presented the memorial of the inhabitants of Milford, in Delaware, praying for an appropriation to improve the navigation of Mispillion creek; and

Ordered, That it be referred to the Committee on Commerce, and printed.

On motion by Mr. Barton,

Ordered, That the Committee on Public Lands be discharged from the consideration of the resolution of the Legislature of Indiana, on the subject of a road from Madison to Indianapolis; two memorials of the same legislature on the subject of erecting asylums for paupers; and the petition of the late and present Register and Receiver of the land office at Washington, Mississippi.

The following motion, submitted by Mr. Dickerson, was considered and agreed to:

Resolved, That the Secretary of the Treasury be requested to communicate to the Senate the annual amount of drawbacks allowed upon refined sugars from the first day of January, 1831; and that he be further requested to communicate to the Senate any information he may possess, as to frauds committed or attempted to be committed under the laws giving a drawback on refined sugars.

The following motion, submitted by Mr. Robinson, was considered and agreed to:

Resolved, That the Committee on the Post Office and Post Roads be instructed to inquire into the expediency of establishing a post route from Centreville, Kentucky, by Ford's Ferry, Equality, and Mount Vernon, to Carlyle, in Illinois.

The following motion, submitted by Mr. Barton, was considered and agreed to:

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of further regulating the mode of issuing patents for lands to the representatives of persons who have died since the confirmation of their claims.

The Senate proceeded to consider the report of the Committee on Commerce, on the memorials from the Legislature of Illinois and Corporation

of St. Louis, on the subject of erecting a hospital at the junction of the Ohio and Mississippi rivers; and, in concurrence therewith,

Resolved, That the prayers of the memorials be not granted.

Agreeably to notice given, Mr. Brown asked and obtained leave to bring in a bill to reduce and fix the duties on sugars imported into the United States; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Manufactures.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the bill granting a quantity of land to the Territory of Arkansas for the erection of a public building at the seat of government of said Territory, reported it without amendment.

Mr. McKinley, from the same committee, to whom was referred the petition of Edward G. Terrell, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Bell, from the Committee of Claims, to whom was referred the petition of Thomas Sparrow and James Howard, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Bell, from the same committee, to whom was referred the petition of John J. Jacobs, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

The amendment to the bill entitled "An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The bill to extend the patent of Samuel Browning for a further period of fourteen years, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The four bills received from the House of Representatives on Friday last for concurrence were severally read; and

Ordered, That they pass to a second reading.

The bill entitled "An act to repeal the charges imposed on passports and clearances," was read the second time by unanimous consent, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The bill entitled "An act to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds," and the bill entitled "An act to direct the manner of issuing patents on confirmed land claims in the Territory of Florida," were severally read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on Finance; and that the *second* be referred to the Committee on Public Lands.

ompensation to lieutenants, when acting as first lieutenant of a ship of the line, frigate, or sloop war, according to the rate of the vessel.

On motion by Mr. King, and by unanimous consent,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of making provision by law for the adjustment of the claims of the heirs of Theodore Brightwell, deceased, for services performed by him as Marshal of the Territory of Mississippi.

Mr. King laid on the table sundry documents in support of the claim of the heirs of Theodore Brightwell, deceased; and

Ordered, That they be referred to the Committee on the Judiciary.

The Senate proceeded to consider the report of the Committee of Claims, on the petition of Thomas Sparrow and James Howard; and in concurrence therewith,

Resolved, That the prayer of the petitioners ought not to be granted.

The bill entitled "An act to repeal the charges on passports and clearances," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill respecting the jurisdiction of certain district courts, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The Senate resumed the consideration of the motion submitted by Mr. Grundy, on the 3d instant, declaring that the select committee appointed to inquire into the condition of the Post Office Department "are not authorized to call before them the persons who have been dismissed from office, for the purpose of ascertaining the reasons or causes of their removal;" and

On motion by Mr. Holmes,

Ordered, That it lie on the table.

After the consideration of Executive business,

The Senate adjourned.

WEDNESDAY, FEBRUARY 9, 1831.

The Vice President communicated a letter from the Postmaster General, transmitting a statement of the names and salaries of the several clerks employed in his office during the last year.

The Vice President communicated a report from the Commissioners of the Sinking Fund, detailing the measures that have been authorized by the board subsequent to their last report of the 6th of February, 1830.

Mr. Webster presented the memorial of the "Prudential Committee of the American Board of Commissioners for Foreign Missions," of Massachusetts, praying that all treaty stipulations with the Indians within the United States may be faithfully observed; and

Ordered, That it lie on table, and be printed.

Mr. Webster presented the petition of the inhabitants of the town of Brookfield, Massachusetts, praying that all treaty stipulations with the Indians within the United States may be faithfully observed; and

of St. Louis, on the subject of erecting a hospital at the junction of the Ohio and Mississippi rivers; and, in concurrence therewith,

Resolved, That the prayers of the memorials be not granted.

Agreeably to notice given, Mr. Brown asked and obtained leave to bring in a bill to reduce and fix the duties on sugars imported into the United States; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Manufactures.

Mr. McKinley, from the Committee on Public Lands, to whom was referred the bill granting a quantity of land to the Territory of Arkansas for the erection of a public building at the seat of government of said Territory, reported it without amendment.

Mr. McKinley, from the same committee, to whom was referred the petition of Edward G. Terrell, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Bell, from the Committee of Claims, to whom was referred the petition of Thomas Sparrow and James Howard, made a report, accompanied by the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

Mr. Bell, from the same committee, to whom was referred the petition of John J. Jacobs, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

The amendment to the bill entitled "An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The bill to extend the patent of Samuel Browning for a further period of fourteen years, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The four bills received from the House of Representatives on Friday last for concurrence were severally read; and

Ordered, That they pass to a second reading.

The bill entitled "An act to repeal the charges imposed on passports and clearances," was read the second time by unanimous consent, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The bill entitled "An act to authorize the proper officers of the Treasury Department to credit the account of the Treasurer of the United States with the amount of unavailable funds," and the bill entitled "An act to direct the manner of issuing patents on confirmed land claims in the Territory of Florida," were severally read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on Finance; and that the *second* be referred to the Committee on Public Lands.

On motion by Mr. Webster,

The bill respecting the jurisdiction of certain district courts was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. Hendricks, and by unanimous consent,

Resolved, That the Committee on Public Lands be instructed to inquire into the expediency of sanctioning the selections already made, so far as the same may remain unsold, of the Michigan road lands; and of permitting other selections to be made in lieu of those sold at the land offices at Crawfordsville and Fort Wayne.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

“An act authorizing the sale of a tract of land therein named;” and

“An act to amend the act granting ‘certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers,’ approved the 23d day of May, 1828.”

They have also passed bills of the following titles, in which they request the concurrence of the Senate, viz:

“An act for the sale of the lands in the State of Illinois, reserved for the use of the salt springs, on the Vermillion river, in that State;”

“An act for the relief of the heirs at law of Richard Livingston, a Canadian refugee;”

“An act for the relief of the children of Charles Comb or Cohen, and his last wife Margarite, previously Margaret Dozi;”

“An act for the relief of William Tharp;”

“An act for the relief of Benjamin Gibbs;”

“An act for the relief of Aaron Snow;”

“An act to compensate David Kilburn for services rendered by him to the United States during the late war;”

“An act for the relief of John Sapp;”

“An act for the relief of the legal representatives of John Lord;”

“An act for the relief of Collin McLachlan;”

“An act for the relief of the legal representatives of Thomas Gordon, deceased;”

“An act for the relief of Mary H. Hawkins;”

“An act for the relief of George E. Tingle;”

“An act for the relief of Thomas F. Cornell;”

“An act for the relief of the legal representatives of Samuel Keep, deceased;”

“An act for the relief of Peter Peck;”

“An act for the relief of John Buhler, of Louisiana;”

“An act for the relief of Susannah McHugh;”

“An act for the relief of Dorothy Welts;”

“An act for the relief of Eugene Borell, of Louisiana;”

“An act for the relief of Phineas Sprague and others;”

“An act for the relief of William J. Quincy and Charles E. Quincy;”

“An act for the relief of George Innes, of New York; and

“An act for the relief of Henry H. Tuckerman.”

On motion by Mr. Grundy,

The Senate resumed the consideration of his motion of the 3d instant, declaring that the select committee appointed to inquire into the condition of the Post Office Department “are not authorized to call before them the persons who have been dismissed from office, for the purpose of ascertaining the reasons or causes of their removal;” and, after debate,

On motion by Mr. Hayne,

The Senate adjourned.

TUESDAY, FEBRUARY 8, 1831.

On motion by Mr. McKinley,

Ordered, That the election of a printer to the Senate be postponed to one o'clock to-morrow.

Mr. Clayton, presented the memorial of sundry citizens of Newcastle, Delaware, praying that the custom-house at Wilmington may be removed to Newcastle; and

Ordered, That it, and the several memorials on the same subject, presented to the Senate at the last session, be referred to the Committee on Commerce.

Mr. Holmes presented the petition of sundry inhabitants of Kennebunk, Maine; and

Mr. Sprague presented two petitions from the inhabitants of Hallowell and Bath, Maine, severally praying that treaty stipulations with the southern Indians may be faithfully observed by the United States; and

Ordered, That they be referred to the Committee on Indian Affairs.

Mr. Sprague presented the petition of the inhabitants of Prospect, Maine, praying for a repeal of that part of the post office law which authorizes the mail to be transported and opened on the Sabbath; and

Ordered, That it be referred to the Committee on the Post Office and Post Roads.

Mr. Ruggles presented the petition of sundry inhabitants of Licking county, Ohio, praying for an alteration in the route of the Cumberland road in that State; and

Ordered, That it, and the several petitions on the same subject, presented to the Senate at the last session, be referred to the Committee on Roads and Canals.

Mr. McKinley, from the Committee on Public Lands, to whom had been referred sundry documents on the subject, reported a bill for the relief of William Rice; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Barnard asked and obtained leave to bring in a bill for the relief of Matthew Irwin; which was read twice by unanimous consent, and considered as in Committee of the Whole; and

Mr. Barnard laid on the table sundry documents on the subject of said bill; and

Ordered, That the bill and documents be referred to the Committee of Claims.

Mr. Brown, from the Joint Committee, reported that they had examined and found duly enrolled

“An act to authorize the transportation of merchandise by land or by water with the benefit of debenture;”

'An act to amend the act entitled "An act to quiet the titles of certain chasers of lands between the lines of Ludlow and Roberts, in the State of o," approved the 26th of May, in the year 1830;"

'An act for the relief of William Smith, administrator of John Taylor, eased;"

'An act authorizing the sale of a tract of land therein named;" and

'An act to amend the act granting 'certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers,' approved 23d day of May, 1828."

A message from the House of Representatives, by Mr. Clarke, their clerk:

Mr. President: The Speaker of the House of Representatives having read several enrolled bills, I am directed to bring them to the Senate for signature of their President.

The Vice President signed the five enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

Agreeably to notice given, Mr. Benton asked leave to bring in a bill to abolish the duty on alum salt.

The Vice President decided, that, in as much as a bill is now pending before the Senate "to repeal the duties on certain imported articles," in which is included, the motion of the Senator from Missouri was not in order.

From which decision Mr. Benton appealed to the Senate; and,

On motion by Mr. Hayne,

Ordered, That the subject be laid upon the table.

The twenty-four bills yesterday received from the House of Representatives for concurrence were severally read; and

Ordered, That they pass to a second reading.

The following bills from the House of Representatives, viz:

'An act for the relief of William Tharp;"

'An act for the relief of Benjamin Gibbs;"

'An act for the relief of Aaron Snow;"

'An act to compensate David Kilburn for services rendered by him to the United States during the late war;"

'An act for the relief of John Sapp;"

'An act for the relief of the legal representatives of John Lord;"

'An act for the relief of Collin McLachlin;"

'An act for the relief of the legal representatives of Thomas Gordon, deceased;"

'An act for the relief of Mary H. Hawkins;"

'An act for the relief of George E. Tingle;" and

'An act for the relief of Peter Peck;" were severally read the second time by unanimous consent, and considered as in Committee of the Whole;

Ordered, That they be referred to the Committee of Claims.

The following bills from the House of Representatives, viz:

'An act for the relief of Phineas Sprague and others;"

'An act for the relief of Henry H. Tuckerman;" and

'An act for the relief of William J. Quincy and Charles E. Quincy;" were severally read the second time by unanimous consent, and considered as in Committee of the Whole and

as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The bill to provide for the removal of certain Indians from the State of Missouri, was read the second time, and considered as in Committee of the Whole; and the blank having been filled with *fifteen thousand dollars*, the bill was further amended, and reported to the Senate; and the amendments being concurred in,

Ordered, That the bill be engrossed, and read a third time.

The Senate resumed, as in Committee of the Whole, the bill to reduce the duties on Indian blankets, and certain other Indian goods, not manufactured in the United States; and it having been amended,

On motion by Mr. Dickerson,

Ordered, That it lie on the table.

The Senate resumed the consideration of the motion submitted by Mr. Grundy on the 3d instant, declaring that the select committee appointed to inquire into the condition of the Post Office Department "are not authorized to call before them the persons who have been dismissed from office, for the purpose of ascertaining the reasons or causes of their removals;" and, after debate,

The Senate adjourned.

SATURDAY, FEBRUARY 12, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting abstracts of the returns of the militia of the United States; and

Ordered, That it be referred to the Committee on the Militia.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting a report from the Director of the Mint of the assays of foreign gold and silver coins made at the Mint during the year 1830.

Mr. Foot presented the petition of the representatives of the estate of David Tomlinson, deceased, praying to be indemnified for the losses sustained by French spoliations committed prior to 1800; and

Ordered, That it lie on the table.

Mr. Livingston presented a petition of a number of the inhabitants of the State of Louisiana, who claim lands sold by the United States, praying for relief; and

Ordered, That it lie on the table.

Mr. King presented the petition of Thomas Malone, praying to be compensated for his services as clerk of the Superior Court for the district of Washington, in the late Territory of Mississippi; and

Ordered, That it be referred to the Committee of Claims.

Mr. Brown, from the Joint Committee, reported that they this day laid before the President of the United States the seven enrolled bills last reported to have been examined and signed.

Mr. Bell, from the committee of Claims, to whom had been referred—

A bill entitled "An act for the relief of John Sapp;" and

A bill for the relief of John McCartney; reported them severally without amendment.

The following motion, submitted by Mr. Noble, was considered and

Resolved, That the Committee on Roads and Canals be instructed to inquire into the expediency of appropriating a sum of money for the purpose of improving the road from Harrison, Ohio, via Trenton, Brookville, Anderson, and Rushville, to Indianapolis, intersecting the Cumberland road, at Indianapolis.

The bill to reduce the duty on foreign books was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Library of Congress.

The bill for the relief of Thomas Porter, of Indiana;

The bill to provide for the removal of certain Indians from the State of Wisconsin;

The bill to authorize the appointment of a sub-agent to the Winnebago Indians on Rock river; and

The bill granting a quantity of land to the Territory of Arkansas, for the erection of a public building at the seat of Government of said Territory; having been reported by the committee correctly engrossed, were severally read the third time; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

The bill for the relief of Abner Slade, was read the second time, and considered as in Committee of the Whole—Mr. King in the chair; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The resolution in relation to certain evidence to be admitted by the several Executive Departments in the adjudication of all claims under any act of Congress of the United States, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and,

On motion by Mr. Smith, of Maryland,

Ordered, That it lie on the table.

The Senate then adjourned.

MONDAY, FEBRUARY 14, 1831.

Mr. Webster presented the petition of Santuel May, praying to be indemnified for his dwelling and warehouses, which were burnt by the enemy at Buffalo, in 1814, in consequence of their occupancy by troops of the United States; and

Ordered, That it be referred to the Committee of Claims.

Mr. Webster presented memorials from the inhabitants of Brookfield, Massachusetts, and of the faculty and students of Amherst College, Massachusetts, severally praying that the southwestern Indians may be protected in all their rights and privileges; and

Ordered, That they lie on the table.

Mr. Sanford presented the petition of William Miller; and

Mr. Grundy presented the petition of Pugh Cannon; severally praying for a pension on account of revolutionary services.

Mr. Chase presented the petition of Joseph Chamberlain, a pensioner of the United States, praying for the payment of certain arrears of his pension.

Ordered, That the three petitions last mentioned be referred to the Committee on Pensions.

Mr. Marks presented the memorial of a large number of the inhabitants of Pittsburgh, and its vicinity, Pennsylvania, praying that the laws of the United States with whom the United States may have made treaties be protected in their just rights and privileges; and

Ordered, That it be referred to the Committee on Indian Affairs, and printed.

Mr. Barnard presented the memorial of the inhabitants of Luzerne county, Pennsylvania, praying that the law of the last session providing for the removal of certain Indians, may be repealed; and

Ordered, That it be referred to the Committee on Indian Affairs.

Mr. Frelinghuysen presented the memorial of the inhabitants of Warwick, New York, praying for the repeal of the law of the last session providing for the removal of certain Indians beyond the Mississippi river; and

Ordered, That it lie on the table.

Mr. Kane presented the petition of the inhabitants of Randolph county, Illinois, praying that the practice of transporting and opening the mail on the Sabbath may be prohibited by law; and

He presented a joint resolution of the Legislature of Illinois, in objection to the object of the last mentioned petition.

Ordered, That the petition and resolution be laid upon the table.

Mr. Barnard presented the petition of John F. Ohl, merchant of Philadelphia, praying to be released from the payment of duties on a quantity of merchandise imported by him, and afterwards destroyed by fire; and

Ordered, That it be referred to the Committee on Finance.

Mr. Barnard presented the memorial of Garsed, Raines, & Co., praying for a modification of the tariff law of 1828 on the subject of tax and free manufactures; and

Ordered, That it be referred to the Committee on Manufactures.

Mr. Robinson presented a joint resolution of the Legislature of Illinois, requesting to be authorized to select and sell an additional quantity of the Ohio or Gallatin saline reserve, and also to sell the saline reserve on the Big Vermillion river; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Ruggles presented two petitions from the inhabitants of Morgan county, Ohio, severally praying that the practice of transporting and opening the mail on the Sabbath may be prohibited by law; and

Ordered, That they be referred to the Committee on the Post Office and Post Roads.

On motion by Mr. Chase,

Ordered, That the Committee on Pensions be discharged from the consideration of the petitions of John Powell, Nathan Gates, William Carlisle, and Barbara Reily, widow of William Reily, deceased.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Joseph Morse.

Mr. Foote, from the Committee on Pensions, to whom was referred the bill entitled "An act granting a pension to Samuel Patton, a revolutionary soldier," reported it without amendment.

Mr. Chambers, from the Committee on Pensions, to whom the subject was referred by a resolution of the Senate of the 20th ultimo, reported a bill for the relief of Peter Cleer, of Maryland; which was read; and

Ordered, That it pass to a second reading.

Agreeably to notice given, Mr. Kane asked and obtained leave to bring in a bill to provide for the survey and sale of certain lands in the Territory of Michigan; which was read; and

Ordered, That it pass to a second reading.

Mr. Woodbury, from the Committee on Commerce, to whom had been referred sundry petitions and memorials on the subject, made a report, accompanied by a bill to allow a drawback on exported nails manufactured from imported iron. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting a report from the Solicitor of the Treasury of all the lands which have been acquired by or secured to the United States in satisfaction of debts, where situated, the sums allowed for them, and their probable value; made in obedience to a resolution of the Senate of the 20th of

Ordered, That the letter and report be printed.

The Vice President presented the memorial of the inhabitants of Mooers, in New York, praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That it be referred to the Committee on Indian Affairs.

The bill for the relief of Abner Slade, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

On motion by Mr. Bell,

The Senate resumed, as in Committee of the Whole, the bill for the relief of the legal representatives of General Moses Hazen, deceased—Mr. Foot in the chair; and no amendment having been made, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The Senate resumed the consideration of the motion submitted by Mr. Grundy on the 3d instant; and it having been modified by him to read,

Resolved, That the select committee appointed on the fifteenth day of December last, to inquire into the condition of the Post Office Department, are not authorized to make inquiry into the reasons which have induced the Postmaster General to make any removals of his deputies,

On motion by Mr. Holmes,

Ordered, That it be laid upon the table.

After the consideration of Executive business.

The Senate adjourned.

TUESDAY, FEBRUARY 15, 1831.

The Vice President communicated a letter from the Secretary of War, transmitting copies of the accounts settled at the office of the Second Auditor, which had been rendered by persons charged with the disbursement of money, goods, or effects, for the benefit of the Indians, from the 1st Sep-

tember, 1829, to 1st September, 1830, and a list of the names of all to whom such money, goods, and effects have been delivered.

The Vice President communicated a letter from the Secretary of the Navy, transmitting a statement of the appropriations for the service of the Navy for the last year; and

Ordered, That it be referred to the Committee on Naval Affairs.

The Vice President presented the petition of the officers of the station at fort Delaware at the time of its conflagration, praying to be remunerated for their losses; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Foot presented the credentials of the Honorable Gideon Tompkins, appointed a Senator by the Legislature of the State of Connecticut, for the term of six years from and after the third day of March next; which were read.

Mr. Holmes presented memorials from the inhabitants of Topsham and Waterford, in Maine;

Mr. Barnard presented the memorial of the ladies, and ten memorials from other inhabitants of Chester county, Pennsylvania;

Mr. Webster presented the memorial of the inhabitants of Dunstable, Massachusetts; and

Mr. Frelinghuysen presented the memorial of the inhabitants of Newark, New Jersey; severally praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That the said memorials be laid upon the table.

Mr. Robinson presented memorials from the Legislature of Illinois, praying for an appropriation of a portion of the public lands for the purpose of improving the navigation of the Kaskaskia and Embarrass rivers; and

Ordered, That they be referred to the Committee on Public Lands.

Mr. Benton presented the memorial of the Santa Fe traders, praying protection for the caravans between Missouri and the Mexican settlements; and

Ordered, That it lie on the table.

Mr. Sanford presented the memorial of E. B. & W. H. Oakley, praying for an alteration of the existing tariff of duties on imported cap wire; and

Ordered, That it be referred to the Committee on Manufactures.

Mr. Knight, from the Committee on the Contingent Expenses of the Senate, to whom was referred the memorial of S. & W. Meeteer, made a report; and, in concurrence therewith,

Ordered, That the committee be discharged from the further consideration thereof, and that the report be printed.

Mr. Woodbury, from the Committee on Commerce, who were instructed, by a resolution of the Senate of the 20th December last, to inquire into the expediency of further defining by law the duties of consuls, made a report, accompanied by the following resolution:

Resolved, That the subject be postponed to the next Congress, and that 1,000 extra copies of the report be printed.

The following motions, submitted by Mr. Robbins, were considered and agreed to:

Resolved, That the Library Committee be instructed to inquire into the expediency of adopting a resolution directing the distribution of the copies of the secret journal of the old Congress, and the journal of the Convention for forming the present Constitution, still remaining for distribution.

Resolved, That the Library Committee be instructed to inquire into the expediency of adopting a resolution directing the Secretary of the Senate

inquire into the condition of the Post Office Department, "are not authorized to make inquiry into the reasons which have induced the Postmaster General to make any removals of his deputies;" and

On the question to agree thereto,

It was determined in the affirmative, { Yeas, 21,
Nays, 21.

On motion by Mr. Bell,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Barnard, Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Iredell, Kane, King, Livingston, Poindexter, Robinson, Sanford, Smith, of Maryland, Smith, of South Carolina, Tazewell, Troup, Tyler, White, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marks, Naudain, Noble, Robbins, Ruggles, Seymour, Silsbee, Webster, Willey.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

"An act for the relief of William Burris, of Mississippi;"

"An act to alter and amend 'An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;'"

"An act respecting the jurisdiction of certain district courts;"

"An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes;" and

"An act to establish a land office in the Territory of Michigan, and for other purposes."

After the consideration of Executive business,

The Senate adjourned.

WEDNESDAY, FEBRUARY 16, 1831.

Mr. Robbins presented the memorial of the inhabitants of Newport, Rhode Island;

Mr. Sprague presented memorials from the inhabitants of Wiscasset and Chesterville, Maine; and

Mr. Barnard presented the memorial of a number of the inhabitants of the State of Pennsylvania, severally praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That they lie on the table.

Mr. Barnard presented the memorial of the ship-owners and others of the city of Philadelphia, praying that a light-house be erected on one of the points at the entrance of the northwest branch of the river Patapsco, and that vessels navigating the Delaware river and Chesapeake bay, and their tributaries, may be required to display lights after sun-down; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Barnard presented the memorial of sundry citizens of Philadelphia, praying that the obstructions to navigation in Back creek may be removed; and

Ordered, That it lie on the table.

Mr. Foot presented sundry documents in support of the claim of Jeremiah Crysell to a pension; and

Ordered, That it be referred to the Committee on Pensions.

Mr. Barton, from the Committee on Public Lands, to whom had been referred—

“An act for the relief of the heirs at law of Richard Livingston, a Canadian refugee;” and

“An act for the relief of William Hoffman, a Canadian volunteer;” reported them severally without amendment.

Mr. Kane, from the Committee on Public Lands, to whom had been referred—

“An act for the relief of John Buhler, of Louisiana;” and

“An act for the sale of the lands in the State of Illinois, reserved for the use of the salt springs on the Vermillion river, in that State;” reported them severally without amendment.

Mr. Barton, from the Committee on Public Lands, to whom was referred a bill entitled “An act to direct the manner of issuing patents on confirmed land claims in the Territory of Florida,” reported it with an amendment; which was read.

Mr. Dickerson, from the Committee on Manufactures, to whom was referred the bill to reduce and fix the duties on sugars imported into the United States, reported it without amendment, accompanied by a special report thereon; and

Ordered, That the report be printed.

Mr. Barnard, from the Committee on the Militia, reported a bill relative to militia fines within the District of Columbia; which was read; and

Ordered, That it pass to a second reading.

A message from the House of Representatives, by Mr. Clarke, their clerk;

Mr. President: The Speaker of the House of Representatives having given several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The House of Representatives have concurred in the amendments of the Senate to the bill entitled “An act making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes;” and

They have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

1. “An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia;”

2. “An act being an additional supplement to an act entitled ‘An act for quieting possessions, enrolling conveyances, and securing the estates of purchasers;’”

3. “An act to revise and amend an act entitled ‘An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia;’”

4. “An act for the relief of Christopher Bechtler;” and

5. “An act for the relief of Abraham Forbes.”

The said bills were severally read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first*, *second*, and *third* be referred to the Committee on the District of Columbia; that the *fourth* be referred to the Committee on the Judiciary, and that the *fifth* be referred to the Committee on Private Land Claims,

The Vice President signed the five enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

Mr. Hendricks presented the memorial of the Columbia Turnpike Road Company, praying that, if it be the intention of Congress to authorize the Baltimore and Ohio Rail Road Company to extend their rail road to the city of Washington, the Columbia Turnpike Road Company may be indemnified for the cost of so much of the present turnpike to Bladensburg as was constructed by them; and

Ordered, That it be referred to the Committee on the District of Columbia.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled "An act making appropriations for the support of Government for the year 1831," reported it with amendments, which were read; and

Ordered, That the amendments be printed.

On motion by Mr. Webster, and by unanimous consent,

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation to repair the sea-wall at Deer island, in Boston harbor, from damage sustained in the late storms.

The Senate proceeded to consider the report of the Committee on Commerce on the expediency of further defining by law the duties of Consuls; and, in concurrence therewith,

Ordered, That the subject be postponed to the next Congress, that the report be printed, and that 1,000 extra copies thereof be sent to the Senate.

The following motion, submitted by Mr. Livingston, was considered:

Resolved, That a committee, to consist of three members, be appointed to prepare and report, at the next session, a system of civil and criminal law for the District of Columbia, and for the organization of the courts therein.

On motion by Mr. Foot,

Ordered, That said motion lie on the table.

The bill providing for the survey and sale of certain lands in the Territory of Michigan, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

The bill for the relief of the legal representatives of General Moses Hazen, deceased, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

On motion by Mr. Chambers,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the punishment of crimes in the District of Columbia," together with the amendments reported thereto by the Committee on the District of Columbia; and the said amendments having been agreed to, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That they be engrossed, and the bill read a third time as amended.

On motion by Mr. Foot,

The Senate resumed the consideration of the joint resolution in relation to

certain evidences to be admitted by the several Executive Departments in the adjudication of all claims under any act of Congress of the United States; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. Johnston,

The Senate resumed the consideration of the bill to authorize the inhabitants of the State of Louisiana to enter the back lands; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. Poindexter,

The Senate resumed, as in Committee of the Whole, the bill to create the office of surveyor of the public lands for the State of Louisiana, and it was amended, and reported to the Senate; and the amendment being concurred in, the blanks were filled; and

Ordered, That the bill be engrossed, and read a third time.

The Senate then adjourned.

THURSDAY, FEBRUARY 17, 1831.

Mr. Hendricks presented two memorials from sundry citizens of Clark county, Indiana, praying that the southern Indians may be protected in all their rights and privileges; and that the practice of transporting and opening the mail on the Sabbath may be prohibited by law.

Ordered, That the memorials lie on the table.

Mr. Burnet laid on the table an act of the Legislature of the State of Ohio, entitled "An act for the preservation and repair of the United States' road."

On motion by Mr. Silsbee, and by unanimous consent,

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of making an appropriation to repair the piers at Sandy bay, in Massachusetts, which have been damaged by the late storms.

Mr. Brown, from the Joint-Committee, reported that they had examined, and found duly enrolled "An act making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes."

The amendments to the bill entitled "An act for the punishment of crimes in the District of Columbia," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

On motion by Mr. Chambers,

Ordered, That it lie on the table.

After the consideration of Executive business,

The Senate adjourned.

FRIDAY, FEBRUARY 18, 1831.

Mr. McKinley presented the petition of Samuel Burney, senior, praying for donation of land on account of revolutionary services; and

Ordered, That it be referred to the Committee on Public Lands.

Mr. Naudain presented the memorial of the citizens of Wilmington and its vicinity in the State of Delaware, remonstrating against the removal of the custom house from that place; and

Ordered, That it be referred to the Committee on Commerce.

The Vice President signed the five enrolled bills last reported to be examined, and they were delivered to the committee to be laid before the President of the United States.

Mr. Hendricks presented the memorial of the Columbia Turnpike Road Company, praying that, if it be the intention of Congress to authorize the Baltimore and Ohio Rail Road Company to extend their rail road to the city of Washington, the Columbia Turnpike Road Company may be indemnified for the cost of so much of the present turnpike to Bladensburg as was constructed by them; and

Ordered, That it be referred to the Committee on the District of Columbia. Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled "An act making appropriations for the support of Government for the year 1831," reported it with amendments; which were read; and

Ordered, That the amendments be printed.

On motion by Mr. Webster, and by unanimous consent,

Resolved, That the Committee on Commerce be directed to inquire into the expediency of making an appropriation to repair the sea-wall at Deer Island, in Boston harbor, from damage sustained in the late storms.

The Senate proceeded to consider the report of the Committee on Commerce on the expediency of further defining by law the duties of Consuls, and, in concurrence therewith,

Ordered, That the subject be postponed to the next Congress, that the report be printed, and that 1,000 extra copies thereof be sent to the Senate.

The following motion, submitted by Mr. Livingston, was considered:

Resolved, That a committee, to consist of three members, be appointed to prepare and report, at the next session, a system of civil and criminal law for the District of Columbia, and for the organization of the courts therein.

On motion by Mr. Foot,

Ordered, That said motion lie on the table.

The bill providing for the survey and sale of certain lands in the Territory of Michigan, was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Public Lands.

The bill for the relief of the legal representatives of General Moses Hazen, deceased, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

On motion by Mr. Chambers,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the punishment of crimes in the District of Columbia," together with the amendments reported thereto by the Committee on the District of Columbia; and the said amendments having been agreed to, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That they be engrossed, and the bill read a third time as amended.

On motion by Mr. Foot,

The Senate resumed the consideration of the joint resolution in relation to

Majesty the King of Denmark, of the twenty eighth March, eighteen hundred and thirty, and for the distribution among such claimants of the sums to be paid by the Danish Government to that of the United States, according to the stipulation of the said convention;"

2. "An act for the relief of John Kain, John Waggoner, James Span, and Abijah Ring;"

3. "An act for the relief of William Gallop;"

4. "An act granting pensions to certain revolutionary and invalid soldiers and officers therein named;"

5. "An act granting pensions to certain persons therein named;"

6. "An act granting pensions to Jared Cone, Hezekiah Hines, and William Kinney, soldiers of the revolution;"

7. "An act granting pensions to certain revolutionary soldiers;"

8. "An act granting pensions to Elisha James and Nathaniel Standish;"

9. "An act granting pensions to Lester Morris and others;"

10. "An act for the relief of David Kennard;"

11. "An act granting pensions to certain revolutionary and invalid soldiers therein mentioned;"

12. "An act for the benefit of John Berryhill, on account of military services;"

13. "An act for the relief of Bartholomew Delapierre, of the city of New York;"

14. "An act for the benefit of John Boone;"

15. "An act for the relief of James Sbyer;"

16. "An act to enable the Secretary of War to release the title of the United States to fort Gansevoort, in the harbor of New York;"

17. "An act for the relief of Judith Thomas;"

18. "An act for the relief of Alexander Oswald Brodie, of New York;"

19. "An act directing the settlement of the claim of Harris and Farrow;"

20. "An act to change the place of holding the circuit and district courts of the United States, from Exeter to Concord, in the State of New Hampshire;"

21. "An act for the relief of Jonah Garrison;"

22. "An act for the relief of John R. Rappleye;"

23. "An act for the benefit of Eli Smith, a revolutionary soldier;"

24. "An act for the relief of Humphrey Beckett, David Smith, and Jonathan Fogg;" and

25. "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution."

On motion by Mr. Smith, of Maryland,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act making appropriations for the support of Government for the year 1831," together with the amendments reported thereto by the Committee on Finance, Mr. Foot in the chair; and after progress,

The Senate adjourned.

SATURDAY, FEBRUARY 19, 1831.

The Vice President communicated the credentials of the honorable Elias Kent Kane, appointed a Senator by the Legislature of the State of Illinois, for the term of six years, commencing on the fourth day of March next; which were read.

Mr. Burnet communicated the credentials of the honorable Thomas King, appointed a Senator by the Legislature of the State of Ohio, for a term of six years from and after the fourth day of March next, which were read.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting statements showing the annual amount of drawbacks allowed on refined sugars from the 1st of January, 1825, to the 1st of January, 1831; and the frauds committed or attempted under the laws giving drawback on refined sugars; prepared in compliance with the resolution of the Senate of the 7th instant; and

Ordered, That the letter and statements be printed.

The Vice President presented a proposition from William A. Davis, of the city of Washington, to furnish 500 copies of the laws of the United States, in seven volumes, at twenty dollars per set, or 1,000 copies or more for eighteen dollars per set; and

Ordered, That it lie on the table.

The following written message was received from the President of the United States by Mr. Donelson, his Secretary:

WASHINGTON, February 19, 1831.

To the Senate of the United States:

I present for the consideration of Congress, a report from the Secretary of War, relative to a compromise of title of the island on which fort Delaware has been constructed.

Very respectfully,

ANDREW JACKSON.

Mr. Barnard presented two memorials from upwards of 500 citizens of Philadelphia, engaged in the manufactures of iron, and others, praying that the duties now imposed by law on imported iron may not be reduced or rescinded; and

Ordered, That they be referred to the select committee appointed on the subject on the 27th ultimo, and that one of them be printed.

Mr. Naudain presented the memorial of sundry citizens of the State of Delaware, remonstrating against the removal of the custom house from Wilmington; and praying that, if a removal shall be deemed expedient, it be made to Delaware city; and

Ordered, That it be referred to the Committee on Commerce.

Mr. Sprague presented documents in support of the claim of John Blake to a pension; and

Ordered, That they be referred to the Committee on Pensions.

Mr. Sprague presented the memorial of the inhabitants of Lincoln county, Maine, praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That it lie on the table.

Mr. Clayton presented the memorial of sundry citizens of the State of Delaware, praying for the passage of a law removing the United States courts from New Castle to Wilmington; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Chambers presented the petition of the representative of the estate of Thomas Truxton, deceased, praying to be indemnified for losses sustained by French spoliations prior to the year 1800; and

Ordered, That they lie on the table.

Mr. Brown, from the Joint Committee, reported that they this day laid before the President of the United States the five enrolled bills last reported on have been examined and signed.

Mr. Ruggles, from the Committee on Roads and Canals, to whom was referred the bill declaring the assent of Congress to an act of the General Assembly of the State of Ohio, hereinafter recited, reported it without amendment.

Mr. Robbins, from the Joint Committee on the Library of Congress, to whom was referred the bill to reduce the duty on foreign books, reported it without amendment.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the bill for the relief of the officers and soldiers of fort Delaware, reported it without amendment, accompanied by a special report thereon; and

Ordered, That the report be printed.

Mr. Brown, from the Committee of Claims, to whom was referred the petition of Farish Carter, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

The Vice-President signed the enrolled bill last reported to have been examined, and it was delivered to the committee to be laid before the President of the United States.

The twenty-five bills yesterday received from the House of Representatives for concurrence were severally read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the 1st and 20th be referred to the Committee on the Judiciary; that the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 17th, 21st, 22d, 23d, 24th, and 25th, be referred to the Committee on Pensions; that the 16th be referred to the Committee on Military Affairs; that the 18th be referred to the Committee on Finance; and that the 19th be referred to the Committee of Claims.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: "The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

1. "An act making appropriations for the military service for the year 1831;"

2. "An act making appropriations for the naval service for the year 1831;"

3. "An act making appropriations for certain fortifications during the year 1831;" and

4. "An act to adjust the Fourth Auditor's books."

The said bills were severally read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the 1st, 2d, and 3d, be referred to the Committee on Finance; and that the 4th be referred to the Committee on Naval Affairs.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act making appropriations for the support of Government for the year 1831," together with the amendments reported thereto by the Committee on Finance; and

On motion by Mr. Ellis,

Ordered, That the bill and amendments lie on the table.

After the consideration of Executive business,

A message from the House of Representatives, by Mr. Clarke, the Clerk:

Mr. President: The House of Representatives have passed a bill entitled "An act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers," which they request the concurrence of the Senate.

The Senate then adjourned.

MONDAY, FEBRUARY 21, 1831.

Mr. Silsbee presented the petition of the heirs of Silence Elliot, deceased, praying authority to institute a suit against the United States, to try the validity of their claims to certain parcels of ground in the city of Boston, now in possession of the United States; and

Ordered, That it be referred to the Committee on the Judiciary.

On motion by Mr. Holmes,

Ordered, That the Committee on Pensions be discharged from the consideration of the petition of Daniel Merrill, and that it be referred to the Committee of Claims.

Mr. Sanford presented the petition of the inhabitants of the towns of Peru and Chesterfield, New York, praying for the establishment of a post route.

Mr. Marks presented the petition of the inhabitants of Franklin county, Pennsylvania, praying that a mail route be established from Fannetsburgh to Loudon, in said county.

Ordered, That the two petitions last mentioned be referred to the Committee on the Post Office and Post Roads.

Mr. Bell presented two memorials from the inhabitants of Grafton county, New Hampshire, severally praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That they lie on the table.

Mr. Woodbury presented the petition of George B. R. Gove, praying that a bond executed by himself and others in the year 1815, to secure the payment of duties on certain imported articles, may be cancelled; and

Ordered, That it be referred to the Committee of Claims.

Mr. Marks presented the memorial of sundry merchants of the city of Philadelphia, praying for a remission of a portion of the duties accrued on a quantity of salt imported by them; and

Ordered, That it be referred to the Committee on Commerce.

On motion by Mr. Kane,

Ordered, That the Committee on Public Lands be discharged from the consideration of the memorials of the Legislature of Illinois, on the subject of improving the navigation of the Kaskaskia and Embarrass rivers; and that they be referred to the Committee on Commerce.

Mr. Robbins, from the Joint Committee on the Library of Congress, to whom was referred the resolution directing 50 sets of the American Annual Register to be purchased, reported it with an amendment; which was read.

Mr. Robbins, from the same committee, to whom the subjects had been referred by resolutions of the Senate of the 15th instant, reported a joint resolution distributing certain copies of the secret journals of the old Con-

press; a joint resolution disposing of certain public documents printed by Congress; and a joint resolution disposing of certain copies of the Journal of the Convention for forming the present Constitution; which were severally read;

Ordered, That they pass to a second reading.

Agreeable to notice given, Mr. Woodbury asked and obtained leave to bring in a joint resolution directing a subscription for the stereotype edition of the laws of the United States; which was read; and

Ordered, That it pass to a second reading.

Mr. Foot, from the Committee on Pensions, to whom was referred the bill entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," reported it without amendment.

Mr. Smith, of Maryland, from the Committee on Finance, to whom the subject was referred by a resolution of the Senate of the 28th ultimo, reported a bill in addition to the act concerning the slave trade; which was read; and

Ordered, That it pass to a second reading.

Mr. Marks, from the Committee on Pensions, to whom was referred the bill entitled "An act for the relief of John Berryhill, on account of military services," reported it without amendment.

Mr. Marks, from the same committee, to whom was referred the bill entitled "An act granting pensions to certain revolutionary and invalid soldiers therein named," reported it with amendments; which were read.

Mr. Kane, from the Committee on Public Lands, to whom was referred the bill providing for the survey and sale of certain lands in the Territory of Michigan, reported it without amendment.

Mr. Chambers, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act to revive and amend an act entitled 'An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia,'" reported it with an amendment; which was read.

Mr. McKinley, from the Committee on the Judiciary, to whom was referred the bill entitled "An act to provide for the adjustment of claims of persons entitled to indemnification under the Convention between the United States and his Majesty the King of Denmark, of the 28th March, 1830, and for the distribution among such claimants of the sums to be paid by the Danish Government to that of the United States, according to the stipulation of the said convention," reported it without amendment; and

On motion by Mr. McKinley,

The Senate proceeded to consider the said bill as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled "An act making appropriations for certain fortifications during the year 1831," reported it with amendments; which were read; and

On motion by Mr. Smith, of Maryland,

The Senate proceeded to consider the said bill and amendments as in Committee of the Whole; and the said amendments having been agreed to, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That the amendments be engrossed, and the bill read a third time as amended.

The bill from the House of Representatives entitled "An act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers," was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Commerce.

After the consideration of Executive business,
The Senate adjourned.

TUESDAY, FEBRUARY 22, 1831.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting a copy of the instructions given on the 5th and 9th August, 1830, to the collectors of the principal ports; and on the 30th June, 1830, to the appraisers at New York, for the purpose of securing a just, faithful, and impartial appraisal of goods.

Mr. Robinson presented two joint resolutions of the Legislature of Illinois, in favor—

1. Of appropriating one additional section of land in each township for the purpose of education, to be selected by the State; and

2. Of the adoption of measures for the immediate removal of the Indians from that State; and

Ordered, That the *first* be referred to the Committee on Public Lands; and that the *second* be referred to the Committee on Indian Affairs.

Mr. Chase presented the memorial of the inhabitants of Brookfield county, Vermont, praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That it lie on the table.

Mr. Dickerson presented five memorials, signed by a number of inhabitants of the State of New Jersey, severally remonstrating against any alteration of the duties now imposed on imported iron; and

Ordered, That they be referred to the select committee appointed on the subject on the 27th ultimo.

Mr. Chase, from the Committee on Pensions, to whom was referred the bill entitled "An act granting pensions to certain persons therein named," reported it with an amendment; which was read.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled "An act for the relief of Alexander Oswald Brodie, of New York," reported it without amendment.

Mr. Smith, of Maryland, from the same committee, to whom was referred the bill entitled "An act making appropriations for the military service for the year 1831," reported it with amendments; which were read.

Mr. Chase, from the Committee on Pensions, to whom had been referred—

"An act for the benefit of John Boone;"

"An act for the relief of Bartholomew Delapierre, of the city of New York;"

"An act for the relief of James Soyer;" and

“An act for the relief of William Gallop,” reported them severally without amendment.

Mr. Chase, from the same committee, to whom was referred the petition of Joseph Chamberlain, reported a bill for his relief; which was read; and

Ordered, That it pass to a second reading.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled “An act making appropriations for the naval service for the year 1831,” reported it with an amendment; which was read.

Mr. Chase, from the Committee on Pensions, to whom the subject was referred by a resolution of the Senate of the 11th instant, made a report, accompanied by a bill for the relief of Edward S. Meeder. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred a petition on the subject, reported a bill for the relief of the mother of Fitz Henry Babbit, late a lieutenant in the Navy of the United States; which was read; and

Ordered, That it pass to a second reading.

Mr. Hayne, from the same committee, to whom was referred the bill entitled “An act to adjust the Fourth Auditor’s books,” reported it without amendment.

Mr. Ruggles, from the Committee of Claims, to whom was referred the bill entitled “An act directing the settlement of the claim of Harris and Farrow,” reported it without amendment.

On motion by Mr. Grundy,

Ordered, That the Committee on the Post Office and Post Roads be discharged from the consideration of the abstracts marked A, B, and C, accompanying the report of the Postmaster General of the 7th instant, and that they be referred to the select committee appointed to examine into the condition of the Post Office Department; and also that said abstracts be printed for the use of the Senate.

The amendments to the bill entitled “An act making appropriations for certain fortifications during the year 1831,” having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in said amendments.

The resolution directing a subscription for the stereotype edition of the laws of the United States, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Smith, of Maryland,

Ordered, That it lie on the table.

A message from the House of Representatives, by Mr. Clarke, their Clerk;

Mr. President: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

1. “An act for the relief of James McCarty;”
2. “An act to authorize the Third Auditor to examine into and report upon certain claims of Gates Hoyt against the United States;”
3. “An act for the relief of Edward Lee;”

4. "An act for the relief of Stephen Hook;"
5. "An act for the relief of Captain Thomas Paine;"
6. "An act providing for the relief of Matthews Flournoy and R. J. Ward, of the State of Mississippi;"
7. "An act for the relief of William T. Carroll, Clerk of the Supreme Court of the United States;"
8. "An act for the relief of Samuel Watson and George Hoppas, of Ohio;"
9. "An act for the relief of the widow and heirs of Joseph Hulse, deceased;"
10. "An act for the relief of the heirs of Nicholas Hart, deceased;"
11. "An act for the relief of Edmund Brooke;"
12. "An act for the relief of the citizens of Shawneetown;"
13. "An act to remit the duties imposed upon certain articles imported for the use of the Theological Seminary and Kenyon College, in Ohio;"
14. "An act for the relief of Eleanor Courts, widow of Richard Henley Courts, deceased;"
15. "An act for the relief of Timothy Risley;"
16. "An act for the relief of John Bruce, administrator of Philip Bush;"
17. "An act for the relief of Philip Bargy, junior, Stephen Norton, and Hiram Wolverton;"
18. "An act for the relief of William D. King, James Daviess, and Genland Lincecum;"
19. "An act for the relief of the sureties of George Brown, deceased, late Collector of internal duties and direct tax for the first district of the State of Maryland;"
20. "An act for the relief of the personal representatives of Colonel John Laurens;"
21. "An act for the relief of James Gibbon;"
22. "An act for the relief of John F. Girod, of Louisiana;"
23. "An act for the relief of John Fruge, of Louisiana;"
24. "An act for the relief of Antoine Dequindre, Richard Smith, and others, Michigan volunteers;"
25. "An act for the relief of Eliakim Crosby;"
26. "An act for the relief of John Heard, junior, surviving assignee of Amasa Davis, junior;"
27. "An act for the relief of the heirs and representatives of John Campbell, late of the city of New York, deceased;"
28. "An act for the relief of William G. Morris;"
29. "An act for the relief of John Knight;"
30. "An act for the relief of Robert A. Forsythe;"
31. "An act for the relief of Benedict Joseph Flaget;"
32. "An act for the relief of the representative of Anthony Foreman;"
33. "An act for the relief of William Clower;"
34. "An act to alter the bridge and draw over the Potomac river, in the District of Columbia;"
35. "An act for the relief of certain importers of foreign merchandise;"
36. "An act respecting the Navy pension fund, and certain pensioners chargeable thereon;" and
37. "An act for the relief of the legal representatives of Antoine Bon-nabel."

On motion by Mr Smith, of Maryland,
The Senate resumed, as in Committee of the Whole, the bill entitled "An

ct making appropriations for the support of Government for the year 1831," together with the amendments reported thereto by the Committee on Finance; and after debate,

On motion by Mr. Chambers,
The Senate adjourned.

WEDNESDAY, FEBRUARY 23, 1831.

Mr. Sanford presented the memorial of the inhabitants of Winfield, New York;

Mr. Bell presented two memorials of the inhabitants of Durham, Newport, and Sullivan, New Hampshire; and

Mr. Sprague presented the memorial of the inhabitants of Waldoborough, Maine; severally praying that the southern Indians may be protected in all their rights and privileges.

Mr. Ruggles presented the petition of the inhabitants of Columbus, Ohio, praying that no alteration may be made in the location of the Cumberland road between that place and Hebron.

Ordered, That the preceding memorials and petition be laid upon the table.

Mr. Webster presented the memorial of a convention of the officers of the militia of Massachusetts, praying that a system may be devised and adopted for organizing, arming, and disciplining the militia of the United States; and

Ordered, That it be referred to the Committee on Military Affairs, and printed.

Mr. Webster presented the memorial of John Osborn, agent for the owners of the brig Planter, of Edgartown, stating that the said brig, on her homeward voyage, with a cargo of sperm oil, in 1830, was illegally captured by the Portuguese squadron off the island of Terceira, and afterwards condemned, and praying for redress; and

Ordered, That it be referred to the Secretary of State.

Mr. Benton presented two memorials from the Legislature of the State of Missouri, praying

1. That appropriations may be made for the continuation and construction of the Cumberland road to the seat of government of that State, and for the improvement of the navigation of certain rivers; and

2. That an appropriation may be made for reimbursing the expenses incurred by the State in suppressing Indian depredations in 1829, and for indemnifying the individuals who suffered losses by the Indians; and

Ordered, That the *first* be referred to the Committee on Roads and Canals, and that the *second* be referred to the Committee on Indian Affairs.

Mr. Dickerson presented two memorials from the inhabitants of Gloucester county, New Jersey, praying that no alteration may be made in the duty now imposed on imported iron; and

Ordered, That they be referred to the select committee appointed on the 27th ultimo on the subject.

Mr. Chambers presented the petition of Elizabeth Scott, daughter of Captain William Blackwell, deceased, who served in the army of the revo-

lution until he was discharged as a supernumerary, praying that the year's pay to which Captain Blackwell was entitled at the time of his discharge may be paid to her; and

Ordered, That it be referred to the Committee on Military Affairs.

Mr. Woodbury presented the petition of George M. Grouard, praying for additional compensation for preparing indexes for the late edition of the Journal of the Senate; and

Ordered, That it be referred to the Committee of Claims.

Mr. Hayne, from the Committee on the Judiciary, to whom was referred the petition of John H. Harrison, made a report, accompanied by a bill for his relief. The bill was read; and

Ordered, That it pass to a second reading, and that the report be printed.

Mr. Naudain, from the Committee on Military Affairs, to whom had been referred a resolution of the Senate of the 4th ultimo, and sundry documents on the subject of the claim of Henry B. Livingston for revolutionary services, made a report; and, in concurrence therewith,

Ordered, That the committee be discharged from the consideration of the subject, and that the report be printed.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the bill entitled "An act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers," reported it without amendment.

Mr. Chambers, from the Committee on the District of Columbia, to whom was referred the bill entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia," reported it with amendments; which were read; and

Ordered, That they be printed.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I have received your resolution of the 15th instant, requesting me "to inform the Senate whether the provisions of the act entitled 'An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers,' passed the 30th of March, 1802, have been fully complied with on the part of the United States' Government; and, if they have not, that he inform the Senate of the reasons that have induced the Government to decline the enforcement of said act:" and I now reply to the same.

According to my views of the act referred to, I am not aware of any omission to carry into effect its provisions in relation to trade and intercourse with the Indian tribes, so far as their execution depended on the agency confided to the Executive.

The numerous provisions of that act, designed to secure to the Indians the peaceable possession of their lands, may be reduced, substantially, to the following: That citizens of the United States are restrained, under sufficient penalties, from entering upon the lands, for the purpose of hunting thereon, or of settling them, or of giving their horses and cattle the benefit of a range upon them, or of travelling through them without a written permission; and that the President of the United States is authorized to employ the military force of the country to secure the observance of these provisions. The au-

hority to the President, however, is not imperative. The language is, "it shall be lawful for the President to take such measures, and to employ such military force, as he may judge necessary to remove from lands belonging to, or secured by treaty to any Indian tribe, any citizen who shall make a settlement thereon."

By the 19th section of this act, it is provided that nothing in it "shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of citizens of the United States, and being within the ordinary jurisdiction of any of the individual States." This provision I have interpreted as being prospective in its operation, and as applicable not only to Indian tribes which at the date of its passage were subject to the jurisdiction of any State, but to such also as should thereafter become so. To this construction of its meaning I have endeavored to conform, and have taken no step inconsistent with it. As soon, therefore, as the sovereign power of the State of Georgia was exercised, by an extension of her laws, throughout her limits, and I had received information of the same, orders were given to withdraw from the State the troops which had been detailed to prevent intrusion upon the Indian lands within it; and these orders were executed. The reasons which dictated them shall be frankly communicated.

The principle recognised in the section last quoted was not for the first time then avowed. It is conformable to the uniform practice of the Government before the adoption of the Constitution, and amounts to a distinct recognition by Congress, at that early day, of the doctrine that that instrument had not varied the powers of the Federal Government over Indian affairs from what they were under the articles of confederation. It is not believed that there is a single instance in the legislation of the country in which the Indians have been regarded as possessing political rights, independent of the control and authority of the States within the limits of which they resided. As early as the year 1782, the journals of Congress will show that no claim of such a character was countenanced by that body. In that year the application of a tribe of Indians residing in South Carolina to have certain tracts of land which had been reserved for their use in that State secured to them, free from intrusion, and without the right of alienating them, even with their own consent, was brought to the consideration of Congress by a report from the Secretary of War. The resolution which was adopted on that occasion is as follows:

Resolved, That it be recommended to the Legislature of South Carolina to take such measures for the satisfaction and security of said tribes as the said Legislature in their wisdom may think fit."

Here is no assertion of the right of Congress, under the articles of confederation, to interfere with the jurisdiction of the States over Indians within their limits; but rather a negation of it. They refused to interfere with the subject, and referred it, under a general recommendation, back to the State, to be disposed of as her wisdom might decide.

If, in addition to this act and the language of the articles of confederation, any thing further can be wanting to show the early views of the Government on the subject, it will be found in the proclamation issued by Congress in 1783. It contains this language: "The United States in Congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular State." And again:

Resolved, That the preceding measures of Congress relative to Indian affairs shall not be construed to affect the territorial claims of any of the States, or their legislative rights within their respective limits."

It was not then pretended that the General Government had the power, in their relations with the Indians, to control or oppose the internal polity of the individual States of this Union; and if such was the case under the articles of confederation, the only question on the subject since must arise out of some more enlarged power or authority given to the General Government by the present Constitution. Does any such exist?

Amongst the enumerated grants of the Constitution, that which relates to this subject is expressed in these words: "Congress shall have power to regulate commerce with the Indian tribes." In the interpretation of this power, we ought certainly to be guided by what had been the practice of the Government, and the meaning which had been generally attached to the resolves of the old Congress, if the words used to convey it do not clearly import a different one, as far as it affects the question of jurisdiction in the individual States. The States ought not to be divested of any part of their antecedent jurisdiction by implication or doubtful construction. Tested by this rule, it seems to me to be unquestionable that the jurisdiction of the States is left untouched by this clause of the Constitution, and that it was designed to give to the General Government complete control over the trade and intercourse of those Indians only who were not within the limits of any State.

From a view of the acts referred to, and the uniform practice of the Government, it is manifest that, until recently, it has never been maintained that the right of jurisdiction by a State over Indians within its territory was subordinate to the power of the Federal Government. That doctrine has not been enforced, nor even asserted, in any of the States of New England, where tribes of Indians have resided, and where a few of them yet remain. These tribes have been left to the undisturbed control of the States in which they were found, in conformity with the view which has been taken of the opinions prevailing up to 1789, and the clear interpretation of the act of 1802. In the State of New York, where several tribes have resided, it has been the policy of the Government to avoid entering into quasi-treaty engagements with them, barely appointing commissioners occasionally, on the part of the United States, to facilitate the objects of the State in its negotiations with them.

The southern States present an exception to this policy. As early as 1784 the settlements within the limits of North Carolina were advanced further to the west than the authority of the State to enforce an obedience of its laws; others were in a similar condition. The necessities, therefore, and not the acknowledged principles of the Government, must have suggested the policy of treating with the Indians in that quarter, as the only practicable mode of conciliating their good will. The United States at that period had just emerged from a protracted war for the achievement of their independence. At the moment of its conclusion, many of these tribes, as powerful as they were ferocious in their mode of warfare, remained in arms, desolating our frontier settlements. Under these circumstances, the first treaties, in 1785 and 1790, with the Cherokees, were concluded by the Government of the United States, and were evidently sanctioned as measures of necessity, adapted to the character of the Indians, and indispensable to the peace and security of

he western frontier. But they cannot be understood as changing the political relations of the Indians to the States or to the Federal Government. To effect this would have required the operation of quite a different principle, and the intervention of a tribunal higher than that of the treaty making power.

To infer from the assent of the Government to this deviation from the practice which had before governed its intercourse with the Indians, and the accidental forbearance of the States to assert their right of jurisdiction over them, that they had surrendered this portion of their sovereignty, and that its assumption now is usurpation, is conceding too much to the necessity which dictated those treaties, and doing violence to the principles of the Government and the rights of the States, without benefitting in the least degree the Indians. The Indians, thus situated, cannot be regarded in any other light than as members of a foreign Government, or of that of the State within whose chartered limits they reside. If in the former, the ordinary legislation of Congress in relation to them is not warranted by the Constitution, which was established for the benefit of our own, not of a foreign people: if in the latter, then, like other citizens or people resident within the limits of the States, they are subject to their jurisdiction and control. To maintain a contrary doctrine, and to require the Executive to enforce it by the employment of a military force, would be to place in his hands a power to make war upon the rights of the States and the liberties of the country—a power which should be placed in the hands of no individual.

If, indeed, the Indians are to be regarded as people possessing rights which they can exercise independently of the States, much error has arisen in the intercourse of the Government with them. Why is it that they have been called upon to assist in our wars, without the privilege of exercising their own discretion? If an independent people, they should, as such, be consulted and advised with; but they have not been. In an order which was issued to me from the War Department, in September, 1814, this language is employed: "All the friendly Indians should be organised and prepared to co-operate with your other forces. There appears to be some dissatisfaction among the Choctaws: their friendship and services should be secured without delay. The friendly Indians must be fed and paid, and *made to fight when and where their services may be required.*" To an independent and foreign people, this would seem to be assuming, I should suppose, rather too lofty a tone—one which the Government would not have assumed if they had considered them in that light. Again: By the Constitution, the power of declaring war belongs exclusively to Congress. We have been often engaged in war with the Indian tribes within our limits, but when have these hostilities been preceded or accompanied by an act of Congress declaring war against the tribe which was the object of them? And was the prosecution of such hostilities an usurpation, in each case, by the Executive which conducted them, of the constitutional power of Congress? It must have been so, I apprehend, if these tribes are to be considered as foreign and independent nations.

The steps taken to prevent intrusion upon Indian lands had their origin with the commencement of our Government, and became the subject of special legislation in 1802, with the reservations which have been mentioned in favor of the jurisdiction of the States. With the exception of South Carolina, who has uniformly regulated the Indians within her limits without the

aid of the General Government, they have been felt within all the States of the south, without being understood to affect their rights or prevent the exercise of their jurisdiction, whenever they were in a situation to assume and enforce it. Georgia, though materially concerned, has, on this principle, forbore to spread her legislation further than the settlements of her own white citizens, until she has recently perceived within her limits a people claiming to be capable of self-government, sitting in legislative council, organizing courts, and administering justice. To disarm such an anomalous invasion of her sovereignty, she has declared her determination to execute her own laws throughout her limits—a step which seems to have been anticipated by the proclamation of 1783, and which is perfectly consistent with the 19th section of the act of 1802. According to the language and reasoning of that section, the tribes to the south and the southwest are not only, “surrounded by settlements of the citizens of the United States,” but are now also “within the ordinary jurisdiction of the individual States.” They became so from the moment the laws of the State were extended over them, and the same result follows the similar determination of Alabama and Mississippi. These States have, each, a right to claim in behalf of their position, now, on this question, the same respect which is conceded to the other States of the Union.

Towards this race of people I entertain the kindest feelings, and am not sensible that the views which I have taken of their true interests are less favorable to them than those which oppose their emigration to the west. Years since, I stated to them my belief, that, if the States chose to extend their laws over them, it would not be in the power of the Federal Government to prevent it. My opinion remains the same; and I can see no alternative for them, but that of their removal to the west, or a quiet submission to the State laws. If they prefer to remove, the United States agree to defray their expenses, to supply them the means of transportation, and a year's support after they reach their new homes—a provision too liberal and kind to deserve the stamp of injustice. Either course promises them peace and happiness, whilst an obstinate perseverance in the effort to maintain their possessions independent of the State authority, cannot fail to render their condition still more helpless and miserable. Such an effort ought, therefore, to be discountenanced by all who sincerely sympathise in the fortunes of this peculiar people, and especially by the political bodies of the Union, as calculated to disturb the harmony of the two Governments, and to endanger the safety of the many blessings which they enable us to enjoy.

As connected with the subject of this inquiry, I beg leave to refer to the accompanying letter from the Secretary of War, enclosing the orders which proceeded from that Department, and a letter from the Governor of Georgia.

ANDREW JACKSON.

February 22, 1831.

The message was read; and,

On motion by Mr. Frelinghuysen,

Ordered, That it be printed.

On motion by Mr. Poindexter,

That 3,000 additional copies thereof be printed for the use of the Senate,

It was determined in the affirmative, { Yeas, 20,
Nays, 19.

On motion by Mr. Forsyth,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Hayne, Iredell, King, Livingston, Poindexter, Robinson, Sanford, Smith, of Maryland, Smith, of South Carolina, Tazewell, Troup, Tyler, Woodrury.

Those who voted in the negative, are,

Messrs. Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Sprague, Webster, Willey.

Mr. Poindexter, from the select committee to whom was referred the bill concerning Martha Randolph, daughter and only surviving child of Thomas Jefferson, deceased, reported it with an amendment; which was read.

Mr. Iredell, from the committee appointed to audit and control the contingent expenses of the Senate, reported the following resolution; which was read, and passed to a second reading:

Resolved, That there be allowed and paid to each of the messengers of the Senate one hundred and fifty dollars, and to Grafton Hanson one hundred dollars, for compensation for extra services during the present session.

On motion by Mr. Marks, and by unanimous consent,

Resolved, That the Committee on Pensions inquire into the expediency of placing the names of Henry Schantz and John Harple on the pension roll of revolutionary pensioners.

Mr. Marks laid on the table sundry documents relating to the subjects of the last mentioned resolution.

On motion by Mr. Chambers, and by unanimous consent,

Resolved, That the Committee on the Library be instructed to inquire into the expediency of subscribing for eighty copies of the condensed reports of cases in the Supreme Court of the United States, edited by Richard Peters.

The thirty-seven bills yesterday received from the House of Representatives for concurrence were severally read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the 1st, 3d, 5th, 14th, 16th, 17th, 27th, 28th, and 32d, be referred to the Committee of Claims; that the 2d, 11th, 15th, 20th, 21st, 24th, and 29th, be referred to the Committee on Military Affairs; that the 4th, 7th, 9th, and 10th, be referred to the Committee on the Judiciary; that the 6th, 8th, 12th, and 25th, be referred to the Committee on Public Lands; that the 13th, 19th, 26th, 31st, and 35th, be referred to the Committee on Finance; that the 17th be referred to the Committee on Commerce; that the 18th and 30th be referred to the Committee on Indian Affairs; that the 22d, 23d, and 37th, be referred to the Committee on Private Land Claims; that the 33d be referred to the Committee on the Post Office and Post Roads; that the 34th be referred to the Committee on the District of Columbia; and that the 36th be referred to the Committee on Naval Affairs.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled "An act for the relief of certain importers of foreign merchandise," reported it without amendment; and,

On motion by Mr. Smith, of Maryland,

The said bill was considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

On motion by Mr. Marks,

Ordered, That the Committee on Pensions be discharged from the consideration of the resolution of the Senate of yesterday, on the expediency of granting pensions to Henry Schantz and John Harple, and that the said Schantz and Harple have leave to withdraw their papers.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the bill entitled "An act supplemental to an act, passed on the thirty first March, 1830, entitled 'An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States;'" and,

On motion by Mr. King,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Webster submitted the following resolution; which was read, and passed to a second reading:

Resolved, That the Secretary of the Senate be authorized to subscribe for one hundred copies of a report of the trial of James H. Peck, on an impeachment, referred by the House of Representatives before the Senate, as prepared by Arthur J. Stansbury: *Provided*, That the price of the work do not exceed five dollars per copy.

Mr. Woodbury, from the Committee on the Library of Congress, to whom the subject was referred by a resolution of the Senate of yesterday, reported a joint resolution directing the Secretary of State to subscribe for seventy copies of Peters's condensed reports of decisions of the Supreme Court; which was read; and

Ordered, That it pass to a second reading.

The four bills yesterday received from the House of Representatives for concurrence were severally read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on the Judiciary; that the *second* and *fourth* be referred to the Committee on Public Lands; and that the *third* be referred to the Committee on Private Land Claims.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

"An act to authorize the appointment of a subagent to the Winnebag Indians on Rock river;" and

"An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia;" with an amendment to the latter bill.

They have also passed bills of the following titles, viz:

1. "An act to extend the limits of Georgetown, in the District of Columbia;"

2. "An act for the relief of certain insolvent debtors of the United States;"

Mr. Troup, from the Committee on Indian Affairs, to whom had been referred—

“An act for the relief of William D. King, James Daviess, and Genland Lincecum;” and

“An act for the relief of Robert A. Forsythe,” reported them without amendment.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the bill entitled “An act respecting the Navy pension fund, and certain pensions chargeable thereon,” reported it without amendment.

Mr. Holmes, from the Committee on Pensions, to whom had been referred—

“An act for the relief of David Kennard;” and

“An act granting pensions to Jared Cone, Hezekiah Hines, and William Kinney, soldiers of the revolution,” reported them without amendment.

Mr. McKinley, from the Committee on the Judiciary, to whom had been referred—

“An act for the relief of Stephen Hook;”

“An act for the relief of William T. Carroll, Clerk of the Supreme Court of the United States;” and

“An act for the relief of the widow and heirs of Joseph Hulse, deceased;” reported them without amendment.

On motion by Mr. McKinley,

Ordered, That the Committee on the Judiciary be discharged from the consideration of the bill entitled “An act for the relief of the heirs of Nicholas Hart, deceased,” and that it be referred to the Committee on Public Lands.

On motion by Mr. McKinley,

Ordered, That the Committee on the Judiciary be discharged from the consideration of the petition of the heirs of Silence Elliot, deceased.

On motion by Mr. Dudley,

Ordered, That the Committee on Indian Affairs be discharged from the consideration of the resolution of the Legislature of Illinois on the subject of Indian depredations, and that it be referred to the Secretary of War.

Mr. Smith, of Maryland, from the Committee on Finance, to whom had been referred—

“An act to remit the duties imposed on certain articles imported for the use of the Theological Seminary and Kenyon College, in Ohio;”

“An act for the relief of the sureties of George Brown, deceased, late collector of internal duties and direct tax for the first district in the State of Maryland;”

“An act for the relief of John Heard, junior, surviving assignee of Amasa Davis, junior;” and

“An act for the relief of Benedict Joseph Flaget,” reported them without amendment.

Mr. Chambers, from the Committee on Pensions, to whom was referred the bill entitled “An act granting pensions to Lester Morris and others,” reported it with an amendment; which was read.

Mr. Chambers, from the same committee, to whom was referred the bill entitled “An act granting pensions to certain revolutionary and invalid soldiers and officers therein named,” reported it with an amendment; which was read.

Mr. Smith, of Maryland, from the Committee on Finance, to whom was referred the bill entitled "An act for the relief of certain importers of foreign merchandise," reported it without amendment; and,

On motion by Mr. Smith, of Maryland,

The said bill was considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

On motion by Mr. Marks,

Ordered, That the Committee on Pensions be discharged from the consideration of the resolution of the Senate of yesterday, on the expediency of granting pensions to Henry Schantz and John Harple, and that the said Schantz and Harple have leave to withdraw their papers.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the bill entitled "An act supplemental to an act, passed on the thirty first March, 1830, entitled 'An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of the lands of the United States;'" and,

On motion by Mr. King,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr Webster submitted the following resolution; which was read, and passed to a second reading:

Resolved, That the Secretary of the Senate be authorized to subscribe for one hundred copies of a report of the trial of James H. Peck, on an impeachment, referred by the House of Representatives before the Senate, as prepared by Arthur J. Stansbury: *Provided*, That the price of the work do not exceed five dollars per copy.

Mr. Woodbury, from the Committee on the Library of Congress, to whom the subject was referred by a resolution of the Senate of yesterday, reported a joint resolution directing the Secretary of State to subscribe for seventy copies of Peters's condensed reports of decisions of the Supreme Court; which was read; and

Ordered, That it pass to a second reading.

The four bills yesterday received from the House of Representatives for concurrence were severally read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first* be referred to the Committee on the Judiciary; that the *second* and *fourth* be referred to the Committee on Public Lands; and that the *third* be referred to the Committee on Private Land Claims.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

"An act to authorize the appointment of a subagent to the Winnebago Indians on Rock river;" and

"An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia;" with an amendment to the latter bill.

They have also passed bills of the following titles, viz:

1. "An act to extend the limits of Georgetown, in the District of Columbia;"

2. "An act for the relief of certain insolvent debtors of the United States;"

the bill entitled "An act for the relief of the citizens of Shawneetown," reported it without amendment.

Mr. Ellis, from the Committee on Public Lands, to whom was referred the bill entitled "An act providing for the relief of Matthews Flournoy and B. J. Ward, of the State of Mississippi," reported it without amendment.

Mr. Ruggles, from the Committee of Claims, to whom was referred the bill entitled "An act for the relief of the representative of Anthony Foreman," reported it without amendment.

Mr. Barton, from the Committee on Public Lands, to whom had been referred—

"An act for the relief of Samuel Watson and George Hoppas, of Ohio;" and

"An act for the relief of Eliakim Crosby," reported them without amendment.

Mr. Barton, from the same committee, to whom was referred the bill entitled "An act for the relief of Mrs. Clarissa B. Harrison," reported it with an amendment; which was read.

Mr. Woodbury, from the Committee on Commerce, to whom was referred "An act for the relief of Peter Bargy, junior, Stephen Norton, and Hiram Wolverton," reported it without amendment.

Mr. Woodbury, from the same committee, to whom was referred the bill entitled "An act to regulate the foreign and coasting trade on the northern and northwestern frontiers of the United States, and for other purposes," reported it with amendments; which were read.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the bill entitled "An act to enable the Secretary of War to release the title of the United States to fort Gansevoort, in the harbor of New York," reported it with an amendment; which was read.

Mr. Webster, from the Committee on the Judiciary, to whom was referred the bill entitled "An act for the relief of certain insolvent debtors of the United States," reported it without amendment.

Mr. McKinley, from the same committee, to whom was referred the bill entitled "An act for the relief of the sureties of Amos Edwards," reported it without amendment.

The bill to authorize the laying out and constructing a road from Line creek to the Chatahoochie, and for repairing the road on which the mail is now transported, having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The bill entitled "An act for the relief of certain importers of foreign merchandise" was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The bill entitled "An act making appropriations for the public buildings, and for other purposes," was read twice by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the District of Columbia.

Mr. Chambers, from the Committee on the District of Columbia, to whom

was referred "An act to extend the limits of Georgetown, in the District of Columbia," reported it without amendment.

On motion by Mr. Poindexter, and by unanimous consent,

Resolved, That the President of the United States be requested to inform the Senate whether the appropriations of money heretofore made for the improvement of the navigation of the rivers Ohio and Mississippi, commencing at Louisville, in the State of Kentucky, have been faithfully and beneficially applied to those objects; whether the obstructions to the passage of steamboats and other craft on said rivers have been removed, and, if so, at what places, to what extent, and what sum has been expended on such works of improvements, respectively; and, also, whether the superintendent employed to expend said appropriations for the purposes aforesaid has discharged his duties to the satisfaction of the Department from which he received his appointment.

Ordered, That the Secretary lay this resolution before the President of the United States.

On motion by Mr. Livingston, and by unanimous consent,

Resolved, That a select committee, to consist of three members, be appointed to examine and report whether any legislative provision is expedient, in order to prevent and punish the practice of duelling in the District of Columbia, and that they have leave to report by bill or otherwise.

By unanimous consent, the Vice President appointed the committee, consisting of Mr. Livingston, Mr. Hayne, and Mr. Clayton.

On motion by Mr. Burnet,

The bill declaring the assent of Congress to an act of the General Assembly of the State of Ohio, hereinafter recited, was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

Mr. Brown, from the joint committee, reported that they had examined, and found duly enrolled,

"An act to provide for the adjustment of claims of persons entitled to indemnification under the convention between the United States and his Majesty the King of Denmark, of the 28th March, 1830, and for the distribution among such claimants of the sums to be paid by the Danish Government to that of the United States, according to the stipulation of the said convention;"

"An act supplemental to an act passed on the 31st March, 1830, entitled 'An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States;'"

"An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia;"

"An act to authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong, for the maintenance of fifteen Africans illegally imported into the United States;" and

"An act to authorize the appointment of a subagent to the Winnebago Indians on Rock river."

A message from the House of Representatives, by Mr. Clarke, their Clerk

Mr. President: The Speaker of the House of Representatives having signed five enrolled bills, I am directed to bring them to the Senate for the signature of their President.

On motion by Mr. Forsyth,
The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative, are,
Messrs. Barnard, Benton, Brown, Dickerson, Dudley, Ellis, Forsyth,
Grundy, Hayne, Hendricks, Iredell, Kane, King, McKinley, Poindexter,
Robbins, Robinson, Sanford, Smith, of Maryland, Smith, of South Carolina,
Troup, Woodbury.

Those who voted in the negative, are,
Messrs. Barton, Bell, Bibb, Burnet, Chambers, Chase, Foot, Frelinghuysen,
Johnston, Knight, Livingston, Marks, Naudain, Ruggles, Seymour,
Silsbee, Sprague, Tazewell, Tyler, Webster, Willey.

On motion by Mr. Tyler,

Further to amend the said fifth amendment as amended, by adding thereto
the following:

*Provided always, That nothing in this act contained shall be construed
as sanctioning or in any way approving of the appointment of these persons
by the President alone, during the recess of the Senate, and without
their advice or consent, as commissioners to negotiate a treaty with the
Ottoman Porte,*

It was determined in the affirmative, { Yeas, 25,
Nays, 18.

On motion by Mr. McKinley,
The yeas and nays being desired by one-fifth of the Senators present,
Those who voted in the affirmative are,
Messrs. Barnard, Barton, Bell, Burnet, Chambers, Ellis, Foot, Frelinghuysen,
Hayne, Hendricks, Iredell, Johnston, King, Knight, Marks, Naudain,
Poindexter, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tyler,
Webster, Willey.

Those who voted in the negative, are,
Messrs. Benton, Bibb, Brown, Chase, Dickerson, Dudley, Forsyth,
Grundy, Kane, Livingston, McKinley, Robbins, Robinson, Sanford, Smith,
of Maryland, Smith, of South Carolina, Troup, Woodbury.

The question then recurred on Mr. Tazewell's motion to strike out; and,
By unanimous consent, he withdrew his said motion.

On motion by Mr. Webster,

Further to amend the said fifth amendment, by striking out the words,
"An Envoy Extraordinary and Minister Plenipotentiary; for the salaries
of a Secretary of Legation, of a Drogoman, and a student of languages,
at Constantinople, and for the contingent expenses of the Legation, seventy-
four thousand dollars; that is to say, for the outfit of an Envoy Extraordina-
ry and Minister Plenipotentiary, nine thousand dollars; for salary of the
same, nine thousand dollars; for salary of a Secretary of Legation, two
thousand dollars; for the salary of a Drogoman, two thousand five hundred
dollars; for the salary of a student of languages, one thousand five hundred
dollars; for the contingent expenses of the Legation, fifty thousand
dollars;" and inserting

*A Chargé d'Affaires; for the salaries of a Drogoman and a student
of languages at Constantinople; and for the contingent expenses of the
Legation, thirty-eight thousand dollars, viz:*

*For the outfit of a Chargé d'Affaires, four thousand five hundred
dollars;*

For the salary of a Chargé d'Affaires, four thousand five hundred dollars;

For the salary of a Drogoman, two thousand five hundred dollars;

For the salary of a student of languages, one thousand five hundred dollars;

For the contingent expenses of the Legation, twenty-five thousand dollars—

It was determined in the affirmative, { Yeas, 37,
Nays, 7.

On motion by Mr. Webster,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Barnard, Barton, Bell, Benton, Brown, Burnet, Chambers, Chase, Clayton, Dickerson, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, Knight, McKinley, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Troup, Tyler, Webster, Willey, Woodbury.

Those who voted in the negative, are,

Messrs. Bibb, Dudley, Ellis, King, Livingston, Sanford, Smith, of Maryland.

On motion by Mr. Bibb,

The Senate then adjourned.

SATURDAY, FEBRUARY 26, 1831.

Mr. Naudain, from the joint committee, reported that they yesterday laid before the President of the United States the six enrolled bills last reported to have been examined and signed; and

That they had examined, and found duly enrolled,

“An act making appropriations for certain fortifications during the year 1831;”

“An act for the relief of certain importers of foreign merchandise;” and

“An act for the punishment of crimes in the District of Columbia.”

On motion by Mr. Smith, of Maryland,

Resolved, That, until otherwise directed, the hour for the daily meeting of the Senate be 11 o'clock.

Mr. Chambers, from the Committee on the District of Columbia, to whom was referred the bill entitled “An act making appropriations for the public buildings, and for other purposes,” reported it without amendment.

Mr. Barton, from the Committee on Public Lands, to whom had been referred—

“An act for the relief of the heirs of Nicholas Hart, deceased;” and

“An act for the relief of John McDonough,” reported them severally without amendment.

The Senate proceeded to consider the amendments proposed by the House of Representatives to the bill entitled “An act to establish ports of delivery at Port Pontchartrain and Delaware City;” and

Ordered, That they be referred to the Committee on Commerce.

The following motions, submitted by Mr. Benton, were considered:

Resolved, That the powers conferred on Congress by the States to lay and collect duties, and to regulate commerce, are distinct and inconvertible pow-

ers, aiming at different objects, and requiring different forms of legislative action; the levying power being confined to imports, and chiefly intended to raise revenue; the regulating power being directed to exports, and solely intended to procure favorable terms in foreign ports for the admission of the ships and products of the States.

2. That the power to lay and collect duties on imports was solicited by the founders of the present Federal Government, and granted by the States, for the express purpose of paying the public debt, and with the solemn and reiterated assurance that the duties levied for that purpose should cease the moment the debt was paid; which assurance was given in answer to objections from the States, and to quiet the apprehension expressed by some of them, that the grant of power to Congress to raise revenue from the commerce of the States, without limitation of time or quantity, and without accountability to them for its expenditure, might render Congress independent of the States, and endanger their liberties and prosperity.

3. That the public debt will (probably) be paid off in the year 1834, and the amount of about twelve millions of dollars of revenue will then be subject to abolition and ought to be abolished, according to the agreement of the parties at the establishment of the present Federal Government, and in conformity to the present actual condition and interest of the States.

4. That an abolition of twelve millions of duties will be a relief to the people from about sixteen millions of taxes, (estimating the retail merchant's advance upon the duties at one-third;) and that the said abolition may be made without diminishing the protection due to any essential branch or pursuit of domestic industry, and with manifest advantage to most of them.

5. That, for the purpose of enabling Congress to determine with entire safety to every interest, and with full satisfaction to the public mind, what branches and pursuits of domestic industry may be entitled to protection, and ought to be guarded from the injurious effects of foreign competition, a joint committee of the Senate and House of Representatives ought to be appointed, to take the examinations of practical men (producers, consumers, and importers,) in all doubtful cases, and to report their evidence to the two Houses of Congress.

6. That the said committee ought to be appointed at the commencement of the next stated session.

7. That the power to regulate foreign commerce was granted to Congress by the States for the express and sole purpose of enabling Congress to obtain and secure favorable markets abroad for the exports of the States, and favorable terms for the admission of their ships, and to effect these objects by establishing an equitable system of commercial reciprocity, discrimination, and retaliation, which should measure back to every foreign nation the same degree of favor or disfavor which itself measured out to the commerce and navigation of the United States.

8. That the power to regulate foreign commerce, although one of the first of the enumerated powers in the Constitution, and the inducing cause to its adoption, has never yet been exercised by Congress.

9. That the approaching extinction of the public debt, and consequent obligation to abolish, and advantage in abolishing about twelve millions of annual revenue, will enable the United States to receive a large portion of her foreign commerce, say the one-half thereof, free of duty; and that the fair principles of a just reciprocity, the dictates of obvious policy, justice to

the States, and the constitutional duty of the Federal Government, already so long deferred, will require this Government to demand equivalents from nations which may wish to be admitted to a participation in the enjoyment of this great amount of free and unrestricted trade.

10. That the free importation of the following articles (among others) may be admitted into the United States without compromising the prosperity of any branch or pursuit of domestic industry, and with manifest advantage to most of them, namely, linens, silks, wines, coffee, worsted stuff goods, several descriptions of woollens, several qualities of fine cottons, several kinds of spirits, &c. &c.

11. That the free importation of the said articles ought to be offered to all nations which shall grant equivalent advantages to the commerce and navigation of the United States, and will receive the products of their industry, namely, fish, furs, lumber, naval stores, beef, bacon, pork, grain, flour, rice, cotton, tobacco, live stock, manufactures of cotton, leather, wood, and silk, butter and cheese, soap and candles, hats, glass, and gunpowder, lead, shot, and sugar, spirits made of grain and molasses, &c. &c., or some adequate proportion thereof, either free of duty, or upon payment of moderate and reasonable duties, to be agreed upon in treaties, and to continue for a term of years, and to no other nations whatever.

12. That there is nothing in existing treaty stipulations with foreign powers to prevent the regulation of our commerce upon the foregoing principles.

13. That all commercial nations will find it to their advantage to regulate their commerce with the United States on these principles, as in doing so they will substitute a fair and liberal trade for a trade of vexations, oppressions, restrictions, and smuggling; will obtain provisions for subsistence, and materials for manufactures, on cheaper terms and more abundantly; will promote their own exports; will increase their revenue; by increasing consumption and diminishing smuggling; and in refusing to do so, will draw great injury upon themselves in the loss which will ensue of several great branches of their trade with the United States.

14. That the agriculture, manufactures, commerce, and navigation of the United States would be greatly benefitted by regulating foreign trade on the foregoing principles; first, by getting rid of oppressive duties upon the staple productions of the United States in foreign markets; secondly, by lowering at home the price of many articles of comfort or necessity, imported from abroad.

15. That the safest and most satisfactory mode of regulating foreign commerce on these principles would be by combining the action of the legislative and treaty making powers—Congress fixing, by law or joint resolution, the articles on which duties may be abolished, and the Executive negotiating with foreign nations for the grant of equivalents.

16. That, to be in readiness to carry this system of regulating foreign commerce into effect at the extinction of the public debt, it will be necessary for Congress to designate the articles for abolition of duty at the next stated session.

On motion by Mr. Benton,

Ordered, That they lie on the table, and that they be printed.

The two bills yesterday received from the House of Representatives for concurrence, were severally read; and

Ordered, That they pass to a second reading.

The bill entitled "An act making appropriations for carrying on certain roads and works of internal improvement, and for providing for surveys," was read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Roads and Canals.

The bill declaring the assent of Congress to an act of the General Assembly of the State of Ohio, hereinafter recited, having been reported by the committee correctly engrossed, was read the third time; and

On the question, "Shall this bill pass?"

It was determined in the affirmative, { Yeas, 29,
Nays, 7.

On motion by Mr. Poindexter,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barnard, Barton, Bell, Benton, Burnet, Chambers, Chase, Clayton, Dickerson, Foot, Frelinghuysen, Hendricks, Holmes, Kane, King, Knight, McKinley, Marks, Naudain, Robbins, Robinson, Ruggles, Sanford, Seymour, Silsbee, Smith, of Maryland, Webster, Willey, Woodbury.

Those who voted in the negative, are,

Messrs. Brown, Ellis, Hayne, Iredell, Poindexter, Smith, of South Carolina, Troup.

So it was

Resolved, That this bill pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

The resolution to compensate the messengers of the Senate was read the second time, and considered as in Committee of the Whole; and it was amended and reported to the Senate; and the amendments being concurred in,

Ordered, That the resolution be engrossed, and read a third time.

Mr. Hayne, from the select committee appointed on the 27th ultimo, to whom had been referred the memorials of the workers in iron of the city of Philadelphia, and others, asking that the duty on imported iron may be reduced; and to whom had also been referred several memorials from inhabitants of the States of Pennsylvania and New Jersey, remonstrating against any alteration of the duty on imported iron, made a report thereon; and,

On motion by Mr. Hayne,

That the report be printed,

Mr. Webster moved to amend said motion, by adding thereto, *and that it be referred to the Committee on Manufactures.*

On motion by Mr. Hayne,

The yeas and nays were ordered on the question to agree to the proposed amendment; but before the question was taken, Mr. Hayne accepted the said amendment as a modification of his motion to print.

On the question to agree to the motion as modified,

A division of the question was demanded by Mr. Hayne; and

The question was thereupon put on the first member thereof, to wit: "Shall the report be printed?" and

It was determined in the affirmative—Yeas, 42.

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,
 Messrs. Barnard, Barton, Bell, Benton, Bibb, Brown, Burnet, Chambers,
 Chase, Clayton, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen,
 Grundy, Hayne, Hendricks, Holmes, Iredell, Kane, King, Knight, McKinley,
 Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Sanford, Sey-
 mour, Silsbee, Smith, of Maryland, Smith, of South Carolina, Sprague,
 Troup, Tyler, Webster, Willey, Woodbury.

Before the question was taken on the second member of the motion by
 Mr. Hayne, as modified, to wit: "and that it be referred to the Committee
 on Manufactures," Mr. Webster moved that the whole subject be laid upon
 the table; and

It was determined in the affirmative, { Yeas, 23,
 { Nays, 20.

On motion by Mr. Webster,
 The yeas and nays being desired by one-fifth of the Senators present,
 Those who voted in the affirmative, are,
 Messrs. Barnard, Barton, Bell, Burnet, Chambers, Chase, Clayton, Dick-
 erson, Dudley, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Marks,
 Naudain, Robbins, Ruggles, Sanford, Seymour, Silsbee, Webster, Willey.
 Those who voted in the negative, are,
 Messrs. Benton, Bibb, Brown, Ellis, Forsyth, Grundy, Hayne, Iredell,
 Kane, King, McKinley, Poindexter, Robinson, Smith, of Maryland, Smith,
 of South Carolina, Sprague, Troup, Tyler, White, Woodbury.

The Senate resumed, as in Committee of the Whole, the bill entitled "An
 act making appropriations for the support of Government for the year 1831,"
 together with the amendments reported thereto by the Committee on Fi-
 nance; and the said amendments having been amended, were agreed to; and
 the bill having been further amended,

On motion by Mr. Poindexter,
 That the bill be further amended by inserting at the end of the 367th
 section, the words,
*For surveying the lands of the United States acquired by the Choctaw
 treaty of the 27th of September, 1830, twenty-five thousand dollars,*

It was determined in the negative, { Yeas, 20,
 { Nays, 22.

On motion by Mr. Ellis,
 The yeas and nays being desired by one-fifth of the Senators present,
 Those who voted in the affirmative, are,
 Messrs. Benton, Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, Hen-
 ricks, Iredell, Johnston, Kane, King, McKinley, Poindexter, Robinson,
 Smith, of South Carolina, Tazewell, Troup, Tyler, Woodbury.

Those who voted in the negative, are,
 Messrs. Barnard, Barton, Bell, Bibb, Burnet, Chambers, Chase, Clayton,
 Foot, Frelinghuysen, Holmes, Knight, Marks, Naudain, Robbins, Ruggles,
 Sanford, Seymour, Silsbee, Smith, of Maryland, Sprague, Webster.

The bill was then reported to the Senate; and the 1st, 2d, 3d, 4th, 5th,
 6th, 7th, and 8th amendments having been concurred in,

On motion by Mr. Hayne,
 To amend the 9th amendment made in Committee of the Whole, by
 striking out the words "for the salary of a student of languages, one thousand
 and five hundred dollars,"

It was determined in the affirmative, { Yeas, 29,
 { Nays, 13.

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present,
 Those who voted in the affirmative, are,

Messrs. Barton, Bell, Benton, Bibb, Brown, Burnet, Chambers, Clayton, Ellis, Foot, Forsyth, Frelinghuysen, Hayne, Hendricks, Holmes, Iredell, Kane, Knight, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Seymour, Sprague, Tazewell, Troup, Tyler.

Those who voted in the negative, are,

Messrs. Barnard, Chase, Dudley, Grundy, Johnston, King, Livingston, McKinley, Silsbee, Smith, of Maryland, Smith, of South Carolina, Webster, Woodbury.

On the question to concur in so much of the said 9th amendment as is contained in the following words, to wit:

“For the outfit and salary of a Chargé d’Affaires, and for the salary of a Drogoman, at Constantinople, and for the contingent expenses of the Legation, thirty-six thousand five hundred dollars, to wit:

“For the outfit of a Chargé d’Affaires, four thousand five hundred dollars;

“For the salary of a Chargé d’Affaires, four thousand five hundred dollars;

“For the salary of a Drogoman, two thousand five hundred dollars;

“For the contingent expenses of the Legation, twenty-five thousand dollars—

It was determined in the affirmative, { Yeas, 39,
 { Nays, 4.

On motion by Mr. Bibb,

The yeas and nays being desired by one-fifth of the Senators present,
 Those who voted in the affirmative, are,

Messrs. Barnard, Barton, Bell, Benton, Brown, Burnet, Chambers, Chase, Clayton, Dudley, Ellis, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, Marks, Naudain, Poindexter, Robbins, Robinson, Sanford, Seymour, Silsbee, Smith, of Maryland, Smith, of South Carolina, Sprague, Tazewell, Troup, Tyler, Webster, Woodbury.

Those who voted in the negative, are,

Messrs. Bibb, Foot, McKinley, Ruggles.

On the question to concur in the remaining part of the said 9th amendment, viz:

“For compensation to the persons heretofore employed in our intercourse with the Sublime Porte, the further sum of fifteen thousand dollars, *in addition to* the sum of twenty-five thousand dollars by this act appropriated for the contingent expenses of foreign intercourse: *Provided always*, That nothing in this act contained shall be construed as sanctioning, or in any way approving of the appointment of these persons by the President alone, during the recess of the Senate, and without their advice or consent, as Commissioners to negotiate a treaty with the Ottoman Porte”—

On motion by Mr. Bibb,

To amend the said amendment by striking out the proviso,

Mr. King moved to amend by striking out all after the word “Provided,” and inserting

That nothing in this act contained shall be construed as sanctioning, or in any way approving of the appointment, during the recess of the

Senate, and without its advice and consent, Commissioners to negotiate treaties with foreign powers, unless from vacancies happening during the recess.

Mr. Webster having demanded a division of the question, It was accordingly taken on striking out,

And determined in the negative, { Yeas, 19, Nays, 23.

On motion by Mr. Holmes,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barnard, Benton, Bibb, Brown, Chase, Dudley, Ellis, Forsyth, Grundy, Kane, King, Livingston, McKinley, Robbins, Robinson, Smith, of Maryland, Smith, of South Carolina, Troup, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chambers, Clayton, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Iredell, Johnston, Knight, Marks, Naudain, Poindexter, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tyler, Webster.

The question then recurred on the motion by Mr. Bibb, to wit: to strike out the proviso; and

It was determined in the negative, { Yeas, 17, Nays, 25.

On motion by Mr. Johnston,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Brown, Chase, Dudley, Forsyth, Grundy, Kane, King, Livingston, McKinley, Robbins, Robinson, Smith, of Maryland, Smith, of South Carolina, Troup, Woodbury.

Those who voted in the negative, are,

Messrs. Barnard, Barton, Bell, Burnet, Chambers, Clayton, Ellis, Foot, Frelinghuysen, Hayne, Hendricks, Holmes, Iredell, Johnston, Knight, Marks, Naudain, Poindexter, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Tyler, Webster.

On motion by Mr. Webster,

The said 9th amendment was further amended by striking out the words "in addition to," and inserting in aid of, and then concurred in. The remaining amendments, made in Committee of the Whole, having been concurred in, the bill was further amended; and

Ordered, That the amendments be engrossed, and the bill read a third time as amended.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

- 1. "An act for the relief of Daniel Jackson and Lucius M. Higgins, of Newbern, in North Carolina;"
2. "An act for the relief of Richard Smith, and William Pearse, the second, of Bristol, in Rhode Island;"

3. "An act for the relief of Nathaniel Bird;" and
 4. "An act making provision for a subscription to a compilation of congressional documents."

The Vice President signed the enrolled bills last reported to have been examined, and signed, and they were delivered to the Committee to be laid before the President of the United States.

The Senate then adjourned.

MONDAY, FEBRUARY 28, 1831.

On motion by Mr. Burnet,

Resolved, That when the Senate adjourns, it be to half past one o'clock this day.

Mr. Hendricks announced the death of the Honorable James Noble, a Senator from the State of Indiana, who died in the evening of Saturday last.

On motion by Mr. Burnet,

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of the Honorable James Noble, deceased, which will take place at half past eleven o'clock this day; and that the Senate will attend the same; and that notice of this event be given to the House of Representatives.

By unanimous consent, the Vice President appointed the committee, consisting of Mr. Bell, Mr. Marks, Mr. Ruggles, Mr. Barton, and Mr. Kane.

On motion by Mr. Burnet,

Resolved, unanimously, That the members of the Senate, from a sincere desire of showing every mark of respect due to the memory of the Honorable James Noble, deceased, their late associate, will go into mourning for him for one month, by the usual mode of wearing crape round the left arm.

On motion by Mr. Burnet,

Resolved, unanimously, That, as an additional mark of respect for the memory of the Honorable James Noble, deceased, the Senate do now adjourn.

And the Senate adjourned accordingly.

HALF PAST ONE O'CLOCK.

On motion by Mr. Webster,

The Senate resumed the consideration of the report of the select committee on several memorials *for* and *against* a reduction of the duty on imported iron, together with the motion to refer the report to the Committee on Manufactures; and,

By unanimous consent, Mr. Hayne withdrew the said motion.

Mr. Dickerson then offered a paper purporting to exhibit the views of the minority of the last mentioned committee on the said report; and

On the question, "Shall this paper be received?"

On motion by Mr. Grundy,

That the subject be laid upon the table,

It was determined in the negative, {	Yeas,	15,
	Nays,	20.

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Barton, Brown, Ellis, Foot, Forsyth, Grundy, Hayne, Hendricks, Iredell, Kane, King, Livingston, Robinson, Smith, of South Carolina, Woodbury.

Those who voted in the negative, are,
Messrs. Bell, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Frelinghuysen, Holmes, Johnston, Knight, Marks, Naudain, Robbins, Ruggles, Sanford, Seymour, Sprague, Webster, Willey.

On motion by Mr. Foot,

Ordered, That the subject be laid upon the table.

Mr. Smith, of Maryland, communicated the credentials of the Honorable Ezekiel F. Chambers, appointed a Senator by the Legislature of that State, for the term of six years from the fourth day of March next; which were read.

Mr. Benton presented four memorials from the Legislature of the State of Missouri, praying,

1. That the French and Spanish land claims may be speedily and equitably decided;

2. That public lands may be sold in 40 acre tracts, and that quarter sections may be divided by east and west, as well as by north and south lines;

3. That the western road, commonly called the Cumberland road, may cross the Mississippi river at St. Louis; and

4. That the north and northwest boundary may be enlarged, and a mounted force granted for the protection of the frontiers of the State, and its trade with Mexico and the Indians; and

Ordered, That they lie on the table, and be printed.

Mr. Dudley presented the petition of the representative of the estate of James Stewart, deceased, praying to be indemnified for French spoliations committed prior to the year 1800; and

Ordered, That it lie on the table.

Mr. Sprague presented the memorial of the inhabitants of Castine, in Maine, praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That it lie on the table.

On motion by Mr. Foot,

Resolved, That when the Senate adjourns, it be to six o'clock this evening.

Mr. Foot, from the Committee of Claims, to whom was referred the bill entitled "An act for the relief of John Knight," reported it without amendment.

On motion by Mr. Webster,

Ordered, That the several *special orders* of the day be laid upon the table.

The four bills received from the House of Representatives on Saturday last for concurrence, were severally read; and

Ordered, That they pass to a second reading.

The bill entitled "An act authorizing the Register and Receiver of the St. Helena land district, in Louisiana, to receive evidence respecting the claim of Josiah Barker, assignee of Madam Hindson, to a tract of land," was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Private Land Claims.

The amendments to the bill entitled "An act making appropriations for the support of Government for the year 1831," having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That this bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

The resolution to compensate the messengers, having been reported by the committee correctly engrossed, was read the third time, and passed, as follows:

Resolved, That there be allowed and paid to each of the messengers of the Senate two hundred dollars, and to Grafton Hanson one hundred and fifty dollars, for compensation for extra services during the present session.

The bill entitled "An act for the relief of Nathaniel Bird" was read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee of Claims.

The resolution directing a subscription to the publication of the trial of James H. Peck, was read the second time, and considered as in Committee of the Whole; and it was amended and reported to the Senate; and the amendments being concurred in,

Ordered, That the resolution be engrossed, and read a third time.

On motion by Mr. Hendricks,

That the Senate proceed to the consideration of the bill confirming the selections heretofore made of lands for the construction of the Michigan road, in the State of Indiana;

On motion by Mr. Forsyth,

The Senate adjourned.

SIX O'CLOCK IN THE EVENING.

The Senate resumed the consideration of the last mentioned motion, and agreed thereto.

The said bill was then read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. Marks,

Ordered, That the Committee on Engrossed Bills have leave to sit during the sittings of the Senate.

The last mentioned bill having been reported by the committee correctly engrossed, was read the third time by unanimous consent; and

Resolved, That it pass, and that its title be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

On motion by Mr. Johnston,

Ordered, That Benjamin Whaley have leave to withdraw his petition and papers, presented to the Senate at the first session of the nineteenth Congress.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz:

"An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for naval purposes;"

“ An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places;” and

“ An act further to amend the act entitled ‘ An act to incorporate the inhabitants of the city of Washington, &c.’ passed on the 15th day of May, 1820.”

The said bills were severally read; and

Ordered, That they pass to a second reading.

On motion by Mr. Hayne,

The first of said bills was read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on Naval Affairs.

On motion by Mr. Chambers,

The last of said bills was read the second time by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the District of Columbia.

On motion by Mr. Foot,

Ordered, That the Committee on Pensions be discharged from the consideration of all the petitions referred to them, and not acted on.

On motion by Mr. Hayne,

Ordered, That the Committee on Naval Affairs be discharged from the consideration of all subjects referred to them, and not reported on, except bills.

On motion by Mr. Smith, of Maryland,

Ordered, That the Committee on Finance be discharged from the consideration of all subjects referred to them, and not reported on, except bills.

On motion by Mr. McKinley,

Ordered, That the Committee on the Judiciary be discharged from the consideration of all subjects referred to them, and not reported on.

On motion by Mr. Kane,

Ordered, That the Committee on Private Land Claims be discharged from the consideration of all subjects referred to them, and not acted on, except bills.

On motion by Mr. Ruggles,

Ordered, That the Committee of Claims be discharged from all subjects referred to them, except bills.

On motion by Mr. Grundy,

Ordered, That the Committee on the Post Office and Post Roads be discharged from all subjects referred to them, and not acted on, except bills.

The bill for the relief of the heirs and executors of Thomas Worthington, deceased;

The bill for the relief of William Delzell, of Ohio; and

The bill for the relief of Nathaniel Cheever and others, were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be engrossed, and read a third time.

The said bills having been reported by the committee correctly engrossed, were severally read the third time by unanimous consent; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bills.

On motion by Mr. Benton,

The Senate resumed, as in Committee of the Whole, the bill for the relief of the officers and soldiers of fort Delaware; and no amendment having been made, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The said bill having been reported by the committee correctly engrossed, was read the third time; and

Resolved, That it pass, and that the title thereof be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said bill.

Mr. Holmes submitted the following resolution; which was read, and passed to a second reading, viz:

Resolved, That the Sergeant-at-Arms and Doorkeeper of the Senate be allowed, for the last and present session of Congress, one dollar per day for the services of the man employed by him as keeper of the public stable and horses, and that the same be paid out of the contingent fund of the Senate.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

WASHINGTON, 26th February, 1831.

To the Senate of the United States:

The enclosed report of the Secretary of War is herewith enclosed in answer to the resolution of the Senate of yesterday's date.

ANDREW JACKSON.

On motion by Mr. Poindexter,

Ordered, That the message and documents be referred to the Committee on Roads and Canals, and printed.

On motion by Mr. Chambers,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia," together with the amendments reported thereto by the Committee on the District of Columbia; and the said amendments having been agreed to, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That they be engrossed, and the bill read a third time as amended.

The said amendments having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That this bill pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in said amendments.

On motion by Mr. Bibb,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of Mrs. Clarissa B. Harrison," together with the amendment reported thereto by the Committee on Public Lands; and the said amendment having been agreed to, the bill was reported to the Senate; and

Ordered, That the amendment be engrossed, and the bill read a third time as amended.

The said amendment having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with an amendment.

dered, That the Secretary request the concurrence of the House of Representatives in said amendment.

The Senate resumed, as in Committee of the Whole,

An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, on the river Potomac;

An act for the sale of the lands in the State of Illinois reserved for the benefit of the salt springs on the Vermillion river, in that State;"

An act for the relief of William Clower;" and

An act for the relief of the citizens of Shawneetown;" and no amendment having been proposed, they were severally reported to the Senate;

dered, That they pass to a third reading.

The said bills were then severally read the third time; and

solved, That they pass.

dered, That the Secretary notify the House of Representatives accordingly.

The Senate resumed, as in Committee of the Whole, the bill for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of John Lorraine, deceased;

A bill for the relief of Sophia Gardner; and

A bill concerning vessels employed in the whale fishery; and no amendment having been proposed, they were severally reported to the Senate;

dered, That they be engrossed, and read a third time.

The said bills having been reported by the committee correctly engrossed, they were severally read the third time; and

solved, That they pass, and that their titles respectively be as aforesaid.

dered, That the Secretary request the concurrence of the House of Representatives in said bills.

A bill for the relief of William D. Acken;

A bill for the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana;

A bill making appropriations for carrying into effect certain Indian treaties;

A bill for the relief of James Belger;

A bill to authorize the executor of Stephen Tippet to locate a tract of land in the State of Louisiana;

A bill for the relief of John Nicks;

A bill for the relief of Peter Cleer, of Maryland;

A bill to extend the patent of John Adamson for a further period of ten years;

A bill to repeal the act to establish the district of Blakely; and

A bill confirming the claim of John B. Toulmin to a lot in the city of New Orleans; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

dered, That they be severally engrossed, and read a third time; and

The said bills having been reported by the committee correctly engrossed, they were severally read the third time, by unanimous consent; and

solved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House Representatives in said bills.

The bill in addition to the act concerning the slave trade was read a second time, and considered as in Committee of the Whole; and it was amended and reported to the Senate; and the amendment being concurred

Ordered, That the bill be engrossed, and read a third time.

The said bill having been reported by the committee correctly engrossed was read the third time by unanimous consent; and

Resolved, That it pass, and that the title thereof be "An act for the relief of John Nicholson."

Ordered, That the Secretary request the concurrence of the House Representatives in said bill.

The bill supplementary to the act to reduce the duty on salt was read a second time, and considered as in Committee of the Whole; and it was amended and reported to the Senate; and the amendment being concurred

Ordered, That it be engrossed, and read a third time.

The bill for the relief of the mother of Fitz Henry Babbit, late a Lieutenant in the Navy of the United States, was read the second time, and considered as in Committee of the Whole; and the blank having been filled with *three hundred dollars*, the bill was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

The three bills last mentioned having been reported by the committee correctly engrossed, they were severally read the third time by unanimous consent; and

Resolved, That they pass, and that their respective titles be as aforesaid

Ordered, That the Secretary request the concurrence of the House Representatives in said bills.

Mr. Woodbury, from the Committee on Commerce, to whom had been referred the amendments made by the House of Representatives to the bill entitled "An act to establish ports of delivery at Port Pontchartrain and Delaware City," reported them with amendments; which were read.

A message from the House of Representatives, by Mr. Clarke, the Clerk:

Mr. President: The House of Representatives have passed bills of the following titles, in which they request the concurrence of the Senate, viz

1. "An act making appropriations for the Indian Department for the year 1831;"

2. "An act to carry into effect certain Indian treaties;"

3. "An act making an appropriation for a custom-house in the city of New York;"

4. "An act to extend the act entitled 'An act for the further extending the powers of the Judges of the Superior Court of the Territory of Arkansas under the act of the 26th day of May, 1824, and for other purposes;"

5. "An act making appropriations for building light-houses, light-boat beacons, and monuments, and placing buoys;" and

6. "An act declaratory of the law concerning contempts of court."

The said bills were severally read; and

Ordered, That they pass to a second reading.

The four bills first mentioned were severally read twice, by unanimous consent, and considered as in Committee of the Whole; and

Ordered, That the *first* and *second* be referred to the Committee on

dian affairs; that the *third* be referred to the Committee on Commerce; and that the *fourth* be referred to the Committee on the Judiciary.

The resolution directing the Secretary of State to subscribe for seventy copies of Peters's condensed reports of decisions of the Supreme Court; and

The resolution distributing certain copies of the secret journals of the old Congress; were severally read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, they were reported to the Senate; and

Ordered, That they be severally engrossed, and read a third time.

The said resolutions having been reported by the committee correctly engrossed, were severally read the third time by unanimous consent; and

Resolved, That they pass, and that their respective titles be as aforesaid.

Ordered, That the Secretary request the concurrence of the House of Representatives in said resolutions.

The resolution disposing of certain copies of the journal of the convention for forming the present Constitution was read the second time, and considered as in Committee of the Whole; and it was amended and reported to the Senate; and the amendment being concurred in,

Ordered, That the resolution be engrossed, and read a third time.

The resolution disposing of certain public documents printed by Congress was read the second time, and considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it be engrossed, and read a third time.

On motion by Mr. King,

That the Senate do now adjourn,

It was determined in the negative, { Yeas, 9,
Nays, 21.

On motion by Mr. King,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Dickerson, Dudley, Grundy, Hayne, Iredell, King, Poindexter, Tazewell, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghoyen, Hendricks, Holmes, Johnston, Knight, Marks, Naudain, Robbins, Robinson, Ruggles, Seymour, Silsbee, Sprague, Webster.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed a bill entitled "An act for the improvement of certain harbors, and providing for surveys," in which they request the concurrence of the Senate.

The said bill was read; and

Ordered, That it pass to a second reading.

The Senate then adjourned.

TUESDAY, MARCH 1, 1831.

Mr. Naudain presented resolutions of the Legislature of the State of Delaware, on the subject,

1. Of applying the revenue arising from the sale of public lands to the purposes of education in the several States;
2. Of the tariff law of 1828; and

3. Of providing for all the surviving officers and soldiers of the army of the revolution.

Ordered, That the resolutions be laid on the table.

Mr. Marks presented two memorials from sundry inhabitants of the State of Pennsylvania, severally praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That it lie on the table.

On motion by Mr. Dickerson,

The Senate resumed the consideration of the motion submitted by him yesterday, that a paper purporting to express the views of the minority of the select committee appointed on several memorials *for* and *against* the reduction of the duty on imported iron, be received and printed; and,

On motion by Mr. Hayne,

The motion was amended by including the receiving and printing a paper purporting to express the views of the majority of the same committee on the same subjects; and

On the question to agree to the motion as amended,

It was determined in the affirmative,	{ Yeas,	19,
	{ Nays,	18.

On motion by Mr. Grundy,

The yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative, are,

Messrs. Bell, Burnet, Chambers, Chase, Dickerson, Dudley, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Marks, Robbins, Ruggles, Sanford, Seymour, Silsbee, Webster, Willey.

Those who voted in the negative, are,

Messrs. Barton, Benton, Bibb, Clayton, Foot, Grundy, Hayne, Iredell, King, McKinley, Naudain, Poindexter, Robinson, Smith, of Maryland, Smith, of South Carolina, Troup, Tyler, Woodbury.

Mr. Foot, from the Committee of Claims, to whom had been referred,

“An act for the relief of Eleanor Courts, widow of Richard Healey Courts, deceased;”

“An act for the relief of Nathaniel Bird;”

“An act for the relief of the legal representatives of Thomas Gordon, deceased;” and

“An act for the relief of Richard G. Morris;” reported them severally without amendment.

Mr. Bell, from the same committee, to whom was referred the bill entitled “An act for the relief of Captain Thomas Paine,” reported it without amendment.

Mr. Chase, from the same committee, to whom had been referred,

“An act for the relief of John Bruce, administrator of Philip Bush;” and

“An act for the relief of the heirs and representatives of John Campbell, late of the city of New York, deceased;” reported them severally without amendment.

Mr. Hendricks, from the Committee on Roads and Canals, to whom was referred the bill entitled “An act making appropriations for carrying on certain roads and works of internal improvement, and providing for surveys,” reported it with amendments; which were read.

Mr. Benton, from the Committee on Indian Affairs, to whom was referred,

“An act making appropriations for the Indian Department for the year 1831;” and

“An act to carry into effect certain Indian treaties;” reported them without amendment.

Mr. Woodbury, from the Committee on Commerce, to whom was referred the bill entitled “An act making an appropriation for a custom-house in the city of New York,” reported it without amendment.

Mr. Kane, from the Committee on Private Land Claims, to whom had been referred,

“An act for the relief of John Bosseler, his heirs or assigns;” and “An act authorizing the Register and Receiver of the St. Helena land district in Louisiana to receive evidence respecting the claim of Josiah Barker, assignee of Madam Hindson, to a tract of land therein mentioned;” reported them severally without amendment.

On motion by Mr. Barton,

Ordered, That the Committee on Public Lands be discharged from all subjects referred to them, and not reported on.

The Senate resumed, as in Committee of the Whole, the bill entitled “An act for the relief of insolvent debtors of the United States;” and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to the third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate resumed, as in Committee of the Whole, the bill entitled “An act making appropriations for the military service for the year 1831,” together with the amendments reported thereto by the Committee on Finance; and the said amendments having been agreed to, the bill was further amended, and reported to the Senate; and,

On motion by Mr. Clayton,

That the bill be further amended by adding the following section:

SEC. 2. *And be it further enacted, That the annual sum of thirty thousand dollars, in addition to the sum appropriated by the act of the 23d of April, 1808, entitled “An act making provision for arming and equipping the whole body of the militia of the United States,” be, and the same is hereby, appropriated, to be paid out of any unappropriated money in the Treasury, for the purpose of arming the militia of the United States according to the said recited act—*

It was determined in the negative, { Yeas, 17,
Nays, 25.

On motion by Mr. Clayton,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barton, Bell, Chambers, Chase, Clayton, Dickerson, Frelinghuysen, Hendricks, Marks, Naudain, Robbins, Ruggles, Sanford, Silsbee, Sprague, Webster, Willey.

Those who voted in the negative, are,

Messrs. Barton, Bibb, Brown, Burnet, Ellis, Foot, Forsyth, Grundy, Hayne, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Poindexter, Robinson, Seymour, Smith, of Maryland, Smith, of South Carolina, Tazewell, Troup, Tyler, Woodbury.

Ordered, That the amendments be engrossed, and the bill read a third time as amended.

The said amendments having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in said amendments.

The Vice President communicated a report of the Postmaster General, showing the amount of postage received from the establishment of the Department to the 1st of April, 1829, and the sums paid during the same period; made in obedience to a resolution of the Senate of the 14th May, 1830; and

Ordered, That it be referred to the select committee appointed on the 15th December last.

The Vice President communicated a letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments and expenditures of officers of the customs for the year 1830, and a statement of the fees received by the same officers for certificates to accompany distilled spirits, wines, and teas, and for commissions on disbursements as superintendents of light-houses, and as agents for marine hospitals; and

Ordered, That it be printed.

The following bills from the House of Representatives, viz:

“An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at these places;”

“An act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys;”

“An act for the relief of Daniel Jackson and Lucius M. Higgins, of Newbern, in North Carolina;”

“An act for the improvement of certain harbors, and providing for surveys;” and

“An act for the relief of Richard Smith, and William Pearse, the second, of Bristol, in Rhode Island;” were severally read the second time, and considered as in Committee of the Whole; and

Ordered, That they be referred to the Committee on Commerce.

The bill entitled “An act declaratory of the law concerning contempts of court,” was read the second time, and considered as in Committee of the Whole; and

Ordered, That it be referred to the Committee on the Judiciary.

Mr. Holmes, from the Committee on Pensions, to whom had been referred,

“An act for the relief of John R. Rappleye;” and

“An act for the relief of Humphrey Becket, David Smith, and Jonathan Fogg;” reported them severally without amendment.

Mr. Benton, from the Committee on Military Affairs, to whom was referred the bill entitled “An act for the relief of the personal representatives of Colonel John Laurens,” reported it without amendment.

The Senate resumed, as in Committee of the Whole, the bill entitled “An act for the relief of John Bruce, administrator of Philip Bush;” and,

On motion by Mr. Sprague,

Ordered, That it lie on the table.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, upon the river Potomac;”

“An act for the sale of the lands in the State of Illinois reserved for the use of the salt springs on the Vermillion river, in that State;”

“An act for the relief of the citizens of Shawneetown;”

“An act for the relief of William Clower;”

“An act for the relief of Thomas Porter, of Indiana;” and

“An act for the relief of James Sprague.”

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The House of Representatives have concurred in the amendments of the Senate to the bill entitled “An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia;” and in the amendment of the Senate to the bill entitled “An act for the relief of Mrs. Clarissa B. Harrison.”

They have passed bills from the Senate of the following titles, viz:

“An act declaring the assent of Congress to an act of the General Assembly of the State of Ohio, hereinafter recited;” and

“An act for the relief of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi;” with an amendment to the latter bill, in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment proposed by the House of Representatives to the last mentioned bill; and,

On motion by Mr. Poindexter,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Hayne, from the Committee on Naval Affairs, to whom was referred the bill entitled “An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for naval purposes,” reported it without amendment; and it was considered as in Committee of the Whole; and no amendment having been proposed, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Vice President signed the six enrolled bills last reported to have been examined; and they were delivered to the committee, to be laid before the President of the United States.

On motion by Mr. Smith, of Maryland,

Resolved, That when the Senate adjourns, it be to ten o'clock to-morrow morning.

The bill from the House of Representatives, entitled “An act making provision for a subscription to a compilation of congressional documents,” was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Poindexter,

To amend the bill by inserting after the word "Representatives," in the 9th line, the words, *and shall include only documents which were ordered to be printed by the Senate or House of Representatives at the time they were presented,*

A motion was made by Mr. Hayne, that the bill be referred to the Committee on the Judiciary; and

It was determined in the negative, { Yeas, 16,
Nays, 27.

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Brown, Ellis, Grundy, Hayne, Iredell, King, Poindexter, Robinson, Sanford, Smith, of Maryland, Tazewell, Troup, Tyler, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Forsyth, Frelinghuysen, Hendricks, Holmes, Johnston, Kane, Knight, Livingston, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Smith, of South Carolina, Sprague, Webster, Willey.

Mr. Smith, of Maryland, moved to lay the bill on the table; and

It was determined in the negative, { Yeas, 20,
Nays, 23.

On motion by Mr. Johnston,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Iredell, Kane, King, McKinley, Poindexter, Robinson, Sanford, Smith, of Maryland, Tazewell, Troup, Tyler, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Livingston, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Smith, of South Carolina, Sprague, Webster, Willey.

A motion was also made by Mr. Woodbury,

That the bill be laid upon the table; and

It was determined in the negative, { Yeas, 31,
Nays, 23.

On motion by Mr. Chase,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Iredell, Kane, King, McKinley, Poindexter, Robinson, Sanford, Smith, of Maryland, Tazewell, Troup, Tyler, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Livingston, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Smith, of South Carolina, Sprague, Webster, Willey.

The question then recurred on the motion by Mr. Poindexter to amend; and

On motion by Mr. Tazewell,

Ordered, That the Secretary make a similar communication to the House of Representatives.

The bill entitled "An act making appropriations for the public buildings, and for other purposes," was resumed as in Committee of the Whole; and no amendment having been made, it was reported to the Senate; and

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Holmes, from the Committee on Pensions, to whom had been referred

"An act for the relief of Judith Thomas;"

"An act for the relief of Jonah Garrison;" and

"An act for the benefit of Eli Smith, a revolutionary soldier;" reported them, severally, without amendment.

Mr. Foot, from the same committee, to whom was referred the bill entitled "An act for the relief of Edmund Brooke," reported it without amendment.

On motion by Mr. Foot,

That the orders of the day preceding the bill entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," be postponed for the purpose of considering said bill,

It was determined in the negative,	{	Yeas,	20,
		Nays,	20.

On motion by Mr. Foot,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barton, Bell, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Livingston, Naudain, Robbins, Seymour, Silsbee, Sprague, Webster, Woodbury.

Those who voted in the negative, are,

Messrs. Benton, Bibb, Brown, Burnet, Ellis, Grundy, Hayne, Iredell, Johnston, Kane, King, McKinley, Marks, Poindexter, Robinson, Ruggles, Smith, of Maryland, Tazewell, Tyler, White.

The resolution making allowance to the Sergeant-at-Arms and Doorkeeper of the Senate for the services of an ostler, was read the second time, and considered as in Committee of the Whole; and,

On motion by Mr. Hayne,

Ordered, That it be laid upon the table.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act making appropriations for the naval service for the year 1831," together with the amendment reported thereto by the Committee on Finance; and the said amendment having been disagreed to, the bill was reported to the Senate; and

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“ An act for the relief of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi;”

“ An act declaring the assent of Congress to an act of the General Assembly of the State of Ohio;”

“ An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia;” and

“ An act for the relief of Mrs. Clarissa B. Harrison.”

The Senate resumed, as in Committee of the Whole, the bill entitled “ An act making appropriations for the Indian Department for the year 1831;” and no amendment having been made, it was reported to the Senate, and then amended.

Ordered, That the amendment be engrossed, and the bill read a third time as amended.

The said amendment having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The Senate resumed, as in Committee of the Whole, the bill entitled “ An act to carry into effect certain Indian treaties;” and it was amended, and reported to the Senate; and the amendment being concurred in,

Ordered, That it be engrossed, and the bill read a third time as amended.

A message from the House of Representatives, by Mr. Clark, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President. The House of Representatives have passed the bill from the Senate entitled “ An act to repeal the act to establish the district of Blakely;” and the resolution from the Senate, directing the Secretary of State to subscribe for seventy copies of Peters’s condensed reports of decisions of the Supreme Court.

The House of Representatives have disagreed to the first amendment of the Senate to the bill entitled “ An act making appropriations for the support of Government for the year 1831; and they have concurred in all the other amendments of the Senate to said bill, with amendments to the tenth; in which amendments they request the concurrence of the Senate.

The Senate proceeded to consider said message; and,

On motion by Mr. King,

Resolved, That the Senate recede from their first amendment to the last mentioned bill, disagreed to by the House of Representatives.

On motion by Mr. King,

That the Senate concur in the amendments of the House of Representatives to the tenth amendment of the Senate to said bill,

It was determined in the negative, { Yeas, 19,
Nays, 20.

On motion by Mr. Johnston,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Brown, Chase, Dickerson, Dudley, Grundy, Hendricks, Kane, King, Livingston, McKinley, Poindexter, Robbins, Robinson, Sanford, Smith, of Maryland, Treup, Woodbury.

Those who voted in the negative, are,
Messrs. Barton, Bell, Burnet, Chambers, Clayton, Foot, Frelinghuysen,
Hayne, Holmes, Iredell, Johnson, Knight, Marks, Naudain, Ruggles, Sey-
mour, Silsbee, Tazewell, Tyler, Webster.

So it was

Resolved, That the Senate do not concur in the said amendments.

On motion by Mr. Webster,

Resolved, That a conference be asked of the House of Representatives on the subject matter of the disagreeing votes of the two Houses on the said amendments.

Ordered, That Mr. Tazewell, Mr. Webster, and Mr. King, be the managers at the said conference on the part of the Senate.

Ordered, That the Secretary notify the House of Representatives accordingly.

The President signed the four enrolled bills last reported to have been examined, and they were delivered to the committee to be laid before the President of the United States.

The Senate then adjourned.

WEDNESDAY, MARCH 2, 1831.

The following written message was received from the President of the United States, by Mr. Donelson, his Secretary:

March 1, 1831.

To the Senate of the United States:

I transmit herewith, for the use of the Senate, printed copies of the treaties, which have been lately ratified, between the United States and the Choctaw Indians, and between the United States and the confederated tribes of the Sacs and Foxes, and other tribes.

ANDREW JACKSON.

On motion by Mr. Ruggles,

Ordered, That William Eaton, Ephraim F. Gilbert, Joseph Wells, David Beard, and Marshall Smith, have leave to withdraw their respective petitions and papers.

On motion by Mr. Ruggles,

Ordered, That the Committee of Claims be discharged from the consideration of the bill for the relief of the representatives of John P. Cox, and the bill for the relief of Matthew Irwin.

The President presented a memorial of the Legislative Council of the Territory of Michigan, praying that a topographical survey may be made of the country lying between the Saganaw and Grand rivers, with a view of connecting lakes Huron and Michigan by a canal; and

Ordered, That it lie on the table.

Mr. Marks presented the memorial of sundry inhabitants of Pennsylvania;

Mr. Chase presented the memorial of sundry inhabitants of Vermont; and

Mr. Ruggles presented the memorial of sundry inhabitants of Ohio; severally praying that the southern Indians may be protected in all their rights and privileges; and

Ordered, That they lie on the table.

Mr. Marks presented the petition of Amos A. Jones, roller of iron, praying that no alteration may be made in the duty on imported iron; and

Ordered, That it lie on the table.

yne, from the Committee on the Judiciary, to whom was referred titled "An act to extend the act entitled 'An act for further ex- powers of the Judges of the superior court of the Territory of under the act of the 26th day of May, 1824, and for other pur- reported it without amendment; and it was considered as in Com- the Whole; and no amendment having been proposed, it was re- he Senate; and

, That it pass to a third reading.

was then read the third time; and

, That it pass.

, That the Secretary notify the House of Representatives accord-

oster, from the Committee on the Judiciary, to whom was refer- ll entitled "An act declaratory of the law concerning contempts, reported it with an amendment; which was read; and the bill and t were considered as in Committee of the Whole; and the amend- g been agreed to, the bill was reported to the Senate; and the t being concurred in,

, That it be engrossed, and the bill read a third time as amended.

l amendment having been reported by the committee correctly the bill was read the third time as amended; and

, That it pass with an amendment.

, That the Secretary request the concurrence of the House of tives in the amendment.

odbury, from the Committee on Commerce, to whom had been

t allowing the duties on foreign merchandise imported into Pitts- eling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, ed and paid at those places;"

for the relief of Richard Smith, and William Pearce, the second, in Rhode Island;" and

t for the relief of Daniel Jackson and Lucius M. Higgins, of in North Carolina," reported them, severally, without amend- the said bills were severally considered as in Committee of the d no amendment having been proposed, they were severally re- he Senate; and

, That they severally pass to a third reading.

bills were then severally read the third time; and

, That they pass.

, That the Secretary notify the House of Representatives accord-

motion by Mr. Chambers,

, That Elizabeth Scott have leave to withdraw her petition, from Committee on Military Affairs had been discharged.

odbury laid on the table sundry documents from the Department the subject of the consular system.

motion by Mr. Woodbury,

, That the Committee on Commerce have leave to sit during the the Senate.

ndy, from the Committee on the Post Office and Post Roads, to referred the bill entitled "An act further to amend the act en- act to reduce into one the several acts establishing and regulating fice Department," reported it without amendment.

The amendment to the bill entitled "An act to carry into effect certain Indian treaties" having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The bill entitled "An act making provision for a subscription to a compilation of congressional documents," was read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Benton submitted the following resolution; which was read, and passed to a second reading:

Resolved, That James Tims be allowed the same daily pay which is allowed to other messengers of the Senate.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have agreed to grant the conference asked by the Senate upon the subject matter of the disagreeing votes of the two Houses on the amendments proposed by that House to one of the amendments of the Senate to the bill entitled "An act making appropriations for the support of Government for the year 1831," and have appointed managers at the same on their part.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to provide for the final settlement and adjustment of the various claims preferred by James Monroe against the United States," together with the amendment reported thereto by the select committee, and the said amendment having been disagreed to, the bill was reported to the Senate; and

On the question, "Shall this bill be read a third time?"

It was determined in the affirmative,	{	Yeas,	22,
		Nays,	15.

On motion by Mr. Dickerson,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Chambers, Chase, Clayton, Dudley, Frelinghuysen, Grundy, Hayne, Hendricks, Johnston, Livingston, Marks, Poindexter, Robinson, Seymour, Silsbee, Sprague, Tazewell, Tyler, Willey, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Bell, Brown, Burnet, Dickerson, Ellis, Foot, Forsyth, Iredell, Kané, McKinley, Robbins, Ruggles, Smith, of Maryland, Troup.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Naudain, from the joint committee, reported that they this day laid before the President of the United States the thirteen enrolled bills last reported to have been examined and signed; and that they had examined, and found duly enrolled,

"A resolution directing the Secretary of State to subscribe for seventy copies of Peters's condensed reports of decisions of the Supreme Court;"

"An act to repeal the act to establish the district of Blakely;"

“ An act for the relief of certain insolvent debtors of the United States;”
and

“ An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for naval purposes.”

The following motions, submitted by Mr. Benton, were considered and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate, at the commencement of the next stated session of Congress, a detailed and classified statement of all the articles of foreign growth or manufacture which were imported into the United States for the last commercial year preceding the statement, so as to show the amount in value of each article imported, the rate of duty, if any, to which it is subject, and the amount of nett revenue, and quantity derived from each.

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate, at the commencement of the next stated session of Congress, the annual amounts of money paid for drawbacks, premiums, or bounties on the exportation of fish, beef, and pork, and for allowances to fishing vessels, since the year 1789; also, the annual amounts of fish, beef, bacon, and pork, exported; with a report of the cases, if any, in which frauds have been detected in drawing money from the Treasury on account of said drawbacks, premiums, bounties, and allowances.

Resolved, That the President of the United States be requested to cause to be collected, and reported to the Senate at the commencement of the next stated session of Congress, the most authentic information which can be obtained of the number and names of the American citizens who have been killed or robbed while engaged in the fur trade, or the inland trade to Mexico, since the late war with Great Britain; the amount of the robberies committed, and at what places, and by what tribes; also, the number of persons who annually engage in the fur trade, and inland trade to Mexico, the amount of capital employed, and the annual amount of the proceeds in furs, robes, peltries, money, &c.; also, the disadvantages, if any, which these branches of trade labor under, and the means for their relief and protection.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“ An act to provide for the final settlement and adjustment of the various claims preferred by James Monroe against the United States;”

“ An act for the relief of Richard Smith, and William Pearse, the second, of Bristol, in Rhode Island;”

“ An act for the relief of Daniel Jackson and Lucius M. Higgins, of Newbern, in North Carolina;”

“ An act making appropriations for the naval service for the year 1831;”

“ An act to extend the act entitled ‘ An act for further extending the powers of the Judges of the superior court of the Territory of Arkansas under the act of the 26th day of May, 1824, and for other purposes;’ ”

“ An act making provision for a subscription to a compilation of congressional documents;” and

“ An act making appropriations for the public buildings, and for other purposes.”

A message from the President of the United States, by Mr. Donelson, his Secretary:

Mr. President: The President of the United States, on the 13th of January last, approved and signed—

“An act for the relief of Aaron Fitzgerald;”

“An act for the benefit of schools in Lawrence county, Mississippi;”

“An act making appropriations for carrying into effect certain Indian treaties;”

“An act to amend an act entitled ‘An act to provide for paying to the State of Illinois three per centum of the nett proceeds arising from the sale of the public lands within the same.’”

On the 19th of January last—

“An act for the relief of Thomas Fitzgerald;”

“An act to amend an act entitled ‘An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same.’”

On the 27th January last—

“An act further supplemental to the act entitled ‘An act making further provision for settling the claims to land in the Territory of Missouri,’ passed the 13th of June, 1812:”

On the 3d ultimo—

“An act making provision for the compensation of witnesses and payment of other expenses attending the trial of the impeachment of James H. Peck:”

On the 12th ultimo—

“An act to authorize the transportation of merchandise by land or by water with the benefit of debenture;”

“An act to amend an act entitled ‘An act to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio,’ approved the 26th of May, 1830;”

“An act for the relief of William Smith, administrator of John Taylor, deceased;”

“An act authorizing the sale of a tract of land therein named;” and

“An act to amend the act granting certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, approved the 23d day of May, 1828:”

On the 19th ultimo—

“An act to alter and amend an act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive;”

“An act for the relief of William Burris, of Mississippi;” and

“An act respecting the jurisdiction of certain district courts:”

And on the 25th ultimo—

“An act to authorize the appointment of a sub-agent to the Winnebago Indians at Rock river;”

“An act to incorporate Saint Vincent’s Orphan Asylum in the District of Columbia;”

“An act supplemental to an act, passed on the 31st March, 1830, entitled ‘An act for the relief of the purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States;’” and

“ An act to authorize the Secretary of the Navy to make compensation the heirs of Taliaferro Livingston and Francis W. Armstrong for the maintenance of fifteen Africans illegally imported into the United States.”

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their clerk:

Mr. President: The House of Representatives have concurred in the amendments of the Senate to the bill entitled “ An act declaratory of the law concerning contempts of court,” with amendments; and

They have passed the bill from the Senate entitled “ An act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois,” with amendments; in which amendments they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the amendments of the Senate to the bill first mentioned; and,

On motion by Mr. Webster,

Resolved, That the Senate concur therein.

The Senate proceeded to consider the amendments of the House of Representatives to the last mentioned bill; and,

On motion by Mr. Hendricks,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Chambers, from the Committee on the District of Columbia, to whom was referred the bill entitled “ An act further to amend the act entitled An act to incorporate the inhabitants of the city of Washington &c.,” passed on the 15th day of May, 1820,” reported it without amendment.

Mr. Tazewell, from the managers on the part of the Senate at the conference on the subject matter of the disagreeing votes of the two Houses on the amendments proposed by the House of Representatives to the amendments of the Senate to the bill entitled “ An act making appropriations for the support of Government for the year 1831,” made the following report:

“ That the Senate agree to the amendment of the House striking out the second paragraph of the Senate’s amendment, beginning with these words: ‘ for compensation to the persons &c.;’ that the Senate disagree to the amendment of the House which proposes to add these words, ‘ and fifteen thousand dollars to defray the expenses of intercourse heretofore incurred;’ and that the following words be inserted after the 8th line in the 15th page of the bill: ‘ for the contingent expenses of foreign intercourse, and in addition to the sum of 25,000 dollars hereinafter mentioned, 15,000 dollars.’ ”

On motion by Mr. Bibb,

The Senate adjourned to 7 o’clock this evening.

SEVEN O’CLOCK IN THE EVENING.

The President communicated a letter from the Secretary of the Treasury, stating that the statements of the commerce and navigation of the United States for the year ending on the 30th of September, 1830, have not yet been completed, owing to the want of the returns from the district of New York.

The President communicated a letter from the Secretary of War, transmitting a statement of the expenditures at the United States' armories, and the arms, &c. manufactured therein, during the year 1830.

The President communicated a letter from the Secretary of State, transmitting a statement containing an abstract of all the returns made to that Department, by collectors of the different ports, for the year 1830, of sick and disabled seamen; and an abstract of passengers for the same time.

Mr. Brown, from the joint committee, reported that they had examined, and found duly enrolled,

"An act making appropriations for the Indian Department for the year 1831;"

"An act declaratory of the law concerning contempts of court;" and

"An act to carry into effect certain Indian treaties."

On motion by Mr. Brown,

He was excused from serving on the joint committee on enrolled bills; and Mr. Robinson was appointed in his stead.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have concurred in the report of the conferees on the disagreeing votes of the two Houses on certain amendments depending to the bill entitled "An act making appropriations for the support of Government for the year 1831."

They have also concurred in the amendment of the Senate to the bill entitled "An act making appropriations for the Indian Department for the year 1831;" and in the amendment of the Senate to the bill entitled "An act to carry into effect certain Indian treaties;" and

They have passed bills from the Senate of the following titles, viz:

"An act granting a quantity of land to the Territory of Arkansas, for the erection of a public building at the seat of Government of said Territory;" and

"An act making appropriations for carrying into effect certain Indian treaties;" with an amendment to the latter bill, in which they request the concurrence of the Senate.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act making appropriations for carrying on certain roads and works of internal improvement, and providing for surveys," together with the amendment reported thereto by the Committee on Roads and Canals; and the said amendment having been agreed to, the bill was reported to the Senate; and

On the question to concur in the said amendment as follows:

Strike out the following words:

"The sum of one hundred and fifty thousand dollars, to be expended, under the direction of the Superintendent of the improvement of the Ohio and Mississippi rivers, in the improvement of the navigation of the Ohio river from its mouth to Pittsburg; in removing the obstructions in the channels at the shoal places and ripples, and by the erection of wingdams, or such other means as, in the opinion of said Superintendent, will best answer the purpose of deepening the channels of said river; and the said Superintendent may commence the said work at any place between the mouth

of the river and Pittsburg which, in his judgment, will best test the practicability and utility of the contemplated improvement; the work to be carried on under the general superintendency of the Department of War; and the President is hereby authorized, if he shall deem it necessary to do so, to employ an assistant Superintendent in aid of the present Superintendent on said rivers;"

And insert—

That the sum of 150,000 dollars be, and the same is hereby, appropriated to the improvement of the navigation of the Ohio and Mississippi rivers from Pittsburg to New Orleans, in removing the obstructions in the channels at the shoal places and ripples, and by such other means as may be deemed best for the deepening of the channels of the Ohio river; which said sum shall be expended under the direction of the President of the United States, by the Superintendent appointed to execute said works of improvement: and the President is hereby authorized and required to take bond, with approved security, in 50,000 dollars, conditioned for the faithful performance of the duties required of him, under such instructions as may be given him, for the improvement of the navigation of the said rivers; and that an officer of the engineers be associated with said Superintendent, with authority to suspend the execution of any work or payment of any account until the order of the President is received;

Mr. Tazewell demanded a division of the question, and it was accordingly taken on the first member thereof, to wit, on striking out; and

It was determined in the affirmative, { Yeas, 36,
Nays, 2.

On motion by Mr. Dudley,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barton, Benton, Bibb, Brown, Burnet, Chambers, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, Knight, Livingston, McKinley, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Sanford, Seymour, Silsbee, Smith of Maryland, Sprague, Tazewell, Tyler, Webster, Woodbury.

Those who voted in the negative, are, Messrs. King, Troup.

The question was then taken on the second member thereof, to wit, on inserting the proposed words; and

It was determined in the affirmative, { Yeas, 29,
Nays, 9.

On motion by Mr. Dudley,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barton, Benton, Bibb, Burnet, Chambers, Chase, Dickerson, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Kane, King, Knight, Livingston, McKinley, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, of Maryland, Sprague, Webster, Woodbury.

Those who voted in the negative, are, Messrs. Brown, Dudley, Foot, Hayne, Iredell, Sanford, Tazewell, Troup

Tyler.

The bill was then further amended; and,

On motion by Mr. King,

Further to amend the same, by striking out

“For defraying the expenses *incidental* to making examinations and surveys under the act of the 30th day of April, 1824, *twenty-five* thousand dollars;” and inserting

For defraying the expenses heretofore incurred in making examinations and surveys under the act of the 30th day of April, 1824, five thousand dollars,

It was determined in the negative, { Yeas, 18,
Nays, 19.

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Benton, Bibb, Brown, Dickerson, Foot, Grundy, Hayne, Iredell, Kane, King, McKinley, Poindexter, Sanford, Smith, of Maryland, Tazewell, Troup, Tyler, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Burnet, Chambers, Chase, Clayton, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Livingston, Marks, Naudain, Robbins, Robinson, Ruggles, Seymour, Silsbee, Webster.

On the question, “Shall the amendments be engrossed, and the bill read a third time as amended?”

It was determined in the affirmative, { Yeas, 26,
Nays, 10.

On motion by Mr. Hayne,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,

Messrs. Barton, Benton, Burnet, Chambers, Chase, Clayton, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Kane, Knight, Livingston, McKinley, Marks, Naudain, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith, of Maryland, Sprague, Webster, Woodbury.

Those who voted in the negative, are,

Messrs. Bibb, Brown, Dickerson, Foot, Hayne, Iredell, Sanford, Tazewell, Troup, Tyler.

The amendments to said bill having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places;”

“An act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois;” and

“An act granting a quantity of land to the Territory of Arkansas for the erection of a public building at the seat of Government of said Territory.”

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills and an enrolled resolution, I am directed to bring them to the Senate for the signature of their President.

The House of Representatives have concurred in the amendment of the Senate to the bill entitled "An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and for other purposes."

The President signed the sixteen enrolled bills and the enrolled resolution last reported to have been examined, and they were delivered to the committee, to be laid before the President of the United States.

The Senate proceeded to consider the message from the House of Representatives of this date, concurring in the report of the conferees upon the disagreeing votes of the two Houses on the amendments of that House to one of the amendments of the Senate to the bill entitled "An act making appropriations for the support of Government for the year 1831;" and,

On motion by Mr. Tazewell,

Resolved, That the Senate do also concur in the said report of the conferees, and that the said bill be amended and passed accordingly.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have concurred in the *first*, *third*, and *fourth* of the amendments of the Senate to the bill entitled "An act making appropriations for the military service for the year 1831:" they have *disagreed* to the *fifth* of said amendments; and have also concurred in the *second*, with an amendment, in which they request the concurrence of the Senate.

The Senate proceeded to consider the last mentioned message; and,

On motion by Mr. Webster,

Resolved, That the Senate *recede* from their said *fifth* amendment, and that they concur in the amendment of the House of Representatives to their *second* amendment to said bill.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act making appropriations for carrying into effect certain Indian treaties;" and,

On motion by Mr. Hendricks,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act to regulate the foreign and coasting trade on the northern and northwestern frontier of the United States, and for other purposes," together with the amendments reported thereto by the Committee on Commerce; and the said amendments having been concurred in, the bill was reported to the Senate; and the amendments being concurred in,

Ordered, That they be engrossed, and the bill read a third time as amended.

The said amendments having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in said amendments.

On motion by Mr. Woodbury,

The Senate resumed the consideration of the amendments of the House of Representatives to the bill entitled "An act to establish ports of delivery

Those who voted in the negative, are,
Messrs. Bell, Burnet, Chambers, Chase, Clayton, Frelinghuysen, Hendricks, Johnston, Kane, Livingston, Marks, Robbins, Ruggles, Sanford, Seymour, Silsbee, Webster, Woodbury.

On motion by Mr. Frelinghuysen,
To reconsider the last mentioned question,

On motion by Mr. Hendricks,

Ordered, That the resolution and the last mentioned motion be laid upon the table.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of William T. Carroll, Clerk of the Supreme Court of the United States;" and it having been reported to the Senate without amendment,

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Woodbury, from the Committee on Commerce, to whom had been referred—

"An act for the improvement of certain harbors, and providing for surveys;" and

"An act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys," reported them severally with amendments; which were read.

On motion by Mr. Woodbury,

The Senate proceeded to consider the last mentioned bill, and the amendments reported thereto, as in Committee of the Whole; and the said amendments having been agreed to, the bill was further amended, and reported to the Senate; and the amendments being concurred in,

Ordered, That they be engrossed, and the bill read a third time as amended.

The said amendments having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendments.

The President communicated a letter from the Treasurer of the United States, transmitting copies of the accounts of receipts and expenditures from the 1st of April, 1829, to the 30th of June, 1830.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the benefit of Percis Lovely;" and it was amended and reported to the Senate; and the amendment being concurred in,

Ordered, That it be engrossed, and the bill read the third time as amended.

The said amendment having been reported by the committee correctly engrossed, the bill was read the third time as amended; and

Resolved, That it pass with an amendment, and that its title be amended by adding thereto *and for other purposes*.

Ordered, That the Secretary request the concurrence of the House of Representatives in said amendments.

The Senate resumed, as in Committee of the Whole, the bill entitled "An

act to incorporate a fire insurance company in Georgetown, in the District of Columbia," together with the amendment reported thereto by the Committee on the District of Columbia; and the said amendment having been disagreed to, the bill was reported to the Senate; and

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

"An act to provide for the further compensation of the Marshal of the district of Rhode Island;"

"An act for the relief of Simeon C. Whittier;"

"An act for the relief of Lucien Harper;"

"An act for the relief of George Johnston;"

"An act for the relief of Joseph E. Sprague;"

"An act for the relief of Ebenezer Rollins;"

"An act for the relief of Henry Becker;"

"An act for the relief of Samuel Nowell;"

"An act to rectify the mistake in the name of William Tumey, an invalid pensioner;"

"An act for the relief of Jonathan Crocker;"

"An act for the relief of Jacob N. Cardozo;"

"An act for the relief of Hugh Barnes;"

"An act for the relief of John Daly, late of Canada;"

"An act for the relief of the legal representatives of Daniel McIntire, deceased;"

"An act for the relief of Nathaniel Cheever and others;"

"An act for the relief of William Delzell, of Ohio;"

"An act for the relief of James Belger;"

"An act to extend the patent of John Adamson for a further period of fourteen years;"

"An act confirming the claim of John B. Toulmin to a lot in the city of Mobile;"

"An act confirming the selections heretofore made of lands for the construction of the Michigan road in the State of Indiana;"

"An act to authorize the executor of Stephen Tippet to locate a tract of land in the State of Louisiana;"

"An act for the relief of Peter Cleer, of Maryland;"

"An act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri;"

"An act to authorize the Territory of Florida to open a canal through the public lands between Chipola river and Saint Andrew's bay, in West Florida;" and

"An act to create the office of Surveyor of the public lands for the State of Louisiana;" with amendments to the three latter bills; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri;" and

On motion by Mr. Barton,

Resolved, That they concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act to authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida;" and,

On motion by Mr. Hendricks,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act to create the office of Surveyor of the public lands for the State of Louisiana;" and,

On motion by Mr. Poindexter,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed bills from the Senate of the following titles, viz:

"An act for the relief of Peters and Pond;" and

"An act to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof."

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

"An act to establish ports of delivery at Port Ponchartrain and Delaware City, and for other purposes;"

"An act making appropriations for carrying into effect certain Indian treaties;"

"An act making appropriations for the support of Government for the year 1831;"

"An act making appropriations for the military service for the year 1831;"

"An act to ascertain and mark the line between the State of Alabama and Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes;"

"An act for the relief of Samuel Nowell;"

"An act to provide for the further compensation of the Marshal of the district of Rhode Island;"

"An act for the relief of Simeon C. Whittier;"

"An act for the relief of Lucien Harper;"

"An act for the relief of George Johnston;"

"An act for the relief of Joseph E. Sprague;"

"An act for the relief of Ebenezer Rollins;"

"An act for the relief of Henry Becker;"

"An act to rectify a mistake in the name of William Tumeys, an invalid pensioner;"

"An act for the relief of Jonathan Crocker;"

"An act for the relief of J. N. Cardozo;"

"An act for the relief of holders of certificates issued in lieu of lands injured by earthquakes in Missouri;"

"An act to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof;"

"An act for the relief of Hugh Barnes;"

"An act for the relief of Peters and Pond;"

"An act for the relief of John Daly, late of Canada;"

"An act for the relief of the legal representatives of Daniel McIntire, deceased;"

"An act for the relief of Nathaniel Cheever and others;"

"An act for the relief of William Delzell, of Ohio;"

"An act for the relief of James Belger;"

"An act to extend the patent of John Adamson for a further period of fourteen years;"

"An act confirming the claim of John B. Toulmin to a lot in the city of Mobile;"

"An act confirming the selection heretofore made of lands for the construction of the Michigan road in the State of Indiana;"

"An act to authorize the executor of Stephen Tippett to locate a tract of land in the State of Louisiana;" and

"An act for the relief of Peter Cleer, of Maryland."

On motion by Mr. Tyler,

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of John Bruce, administrator of Philip Bush;" and,

On motion by Mr. Clayton,

Ordered, That it be laid upon the table.

A message from the House of Representatives, by Mr. Clarke, their Clerk;

Mr. President: The President of the United States approved and signed, on the 3d of February—

"An act to authorize the construction of three schooners for the naval service of the United States;"

"An act to amend an act for taking the fifth census;"

"An act to amend the several acts respecting copy-rights;" and

"An act for the relief of Matthias Roll and William Jackson:"

On the 12th February—

"An act to repeal the charges on passports and clearances;" and

"An act authorizing the Secretary of State to issue a patent to John Powell:"

On the 19th February—

"An act to establish a land office in the Territory of Michigan, and for other purposes;" and

"An act to provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes:"

And on the 25th February—

"An act making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes;" and

"An act to provide for the adjustment of claims of persons entitled to indemnification under the convention between the United States and his

y the King of Denmark, of the 28th of March, 1830; and for the distribution among such claimants of the sums to be paid by the Danish Government and that of the United States, according to the stipulation of said convention."

Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

House of Representatives have concurred in the amendment of the bill to the bill entitled "An act to regulate the foreign and coasting on the northern and northwestern frontiers of the United States, and other purposes;" and in the amendment of the Senate to the bill entitled "An act making appropriations for carrying on certain roads and of internal improvement, and providing for surveys."

President signed the thirty enrolled bills last reported to have been received; and they were delivered to the committee, to be laid before the President of the United States.

Naudain, from the joint committee, reported that they this day laid before the President of the United States the thirty enrolled bills last reported to have been examined and signed; and

that they had examined, and found duly enrolled, the bill entitled "An act to authorize the Territory of Florida to open a canal through the public lands between Chipola river and Saint Andrew's bay, in West Florida."

Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of Eleanor Courts, widow of Richard Henley Courts, deceased;" and,

On motion,
Resolved, That it lie on the table.

Message from the House of Representatives, by Mr. Clarke, their

President: The Speaker of the House of Representatives having received an enrolled bill, I am directed to bring it to the Senate for the signature of their President.

President signed the enrolled bill last reported to have been examined; and it was delivered to the committee, to be laid before the President of the United States.

Naudain, from the joint committee, reported that they had laid the mentioned bill before the President of the United States.

Message from the President of the United States, by Mr. Donelson, his Secretary:

President: The President of the United States this day approved and signed—

An act granting a quantity of land to the Territory of Arkansas for the erection of a public building at the seat of Government of said Territory;"

An act to provide for the punishment of offences committed in cutting, girdling, or removing live oak and other timber or trees reserved for national purposes;"

An act making appropriations for the public buildings, and for other purposes;"

An act for the relief of the legal representatives of Peter Celestino and John Peter Walker, deceased, and of Joseph Walker, of the Territory of Mississippi;"

- "An act to repeal the act to establish the district of Blakely;"
 "An act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois;"
 "An act declaring the assent of Congress to an act of the Legislature of the State of Ohio, hereinafter recited;"
 "An act for the relief of Thomas Porter, of Indiana;"
 "An act for the relief of James Sprague;"
 "An act to extend the patent of John Adamson for a further period of fourteen years;"
 "An act to authorize the executor of Stephen Tippett to locate a tract of land in the State of Louisiana;"
 "An act confirming the claim of John B. Toulmin to a lot in the city of Mobile;"
 "An act confirming the selection heretofore made of lands for the construction of the Michigan road in the State of Indiana;"
 "An act making appropriations for carrying into effect certain Indian treaties;"
 "An act for the relief of James Belger;"
 "An act for the relief of Peter Cleer, of Maryland;"
 "An act to establish ports of delivery at Port Pontchartrain and Delaware City, and for other purposes;"
 "An act for the relief of George Johnston;"
 "An act for the relief of Hugh Barnes;"
 "An act for the relief of J. N. Cardozo;"
 "An act to provide for the further compensation of the Marshal of the district of Rhode Island;"
 "An act for the relief of Simeon C. Whittier;"
 "An act for the relief of Lucien Harper;"
 "An act to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof;"
 "An act for the relief of Nathaniel Cheever and others;"
 "An act for the relief of Samuel Nowell;"
 "An act for the relief of Peters and Pond;"
 "An act for the relief of Henry Becker;"
 "An act for the relief of Jonathan Crocker;"
 "An act to rectify the mistake in the name of William Turney, an invalid pensioner;"
 "An act for the relief of the legal representatives of Daniel McIntire, deceased;"
 "An act for the relief of Ebenezer Rollins;"
 "An act for the relief of Joseph E. Sprague;"
 "An act for the relief of William Delzell, of Ohio;"
 "An act for the relief of John Daly, late of Canada;" and
 "A resolution directing the Secretary of State to subscribe for seventy copies of Peters's condensed reports of decisions of the Supreme Court."
- Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. King,

That the Senate do now adjourn,

It was determined in the negative, { Yeas, 10,
 { Nays, 96.

On motion by Mr. Forsyth,

The yeas and nays being desired by one-fifth of the Senators present, Those who voted in the affirmative, are,
Messrs. Bibb, Forsyth, Grundy, Hayne, Iredell, Kane, King, Robinson, Fazewell, Tyler.

Those who voted in the negative, are,

Messrs. Barton, Bell, Benton, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Foot, Frelinghuysen, Hendricks, Johnston, Knight, Livingston, Marks, Naudain, Poindexter, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith, of Maryland, Webster, Woodbury.

The Senate resumed, as in Committee of the Whole, the bill entitled "An act for the relief of Christopher Bechtler;" and it having been reported to the Senate without amendment,

Ordered, That it pass to a third reading.

The said bill was then read the third time; and

Resolved, That it pass.

Ordered, That the Secretary notify the House of Representatives accordingly.

On motion by Mr. Hendricks,

Resolved, That when the Senate adjourns, it be to 11 o'clock to-morrow morning.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The President of the United States this day approved and signed—

"An act for the relief of William Clower;"

"An act for the relief of the citizens of Shawneetown;"

"An act for the punishment of crimes in the District of Columbia;"

"An act for the relief of certain importers of foreign merchandise;"

"An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, upon the river Potomac;"

"An act making appropriations for certain fortifications during the year 1831;"

"An act for the sale of the lands in the State of Illinois reserved for the use of the salt springs on the Vermillion river, in that State;"

"An act to provide for the final settlement and adjustment of the various claims preferred by James Monroe against the United States;"

"An act for the relief of Daniel Jackson and Lucius M. Higgins, of Newbern, in North Carolina;"

"An act for the relief of Richard Smith, and William Pearse, the second, of Bristol, Rhode Island;"

"An act to extend the act entitled 'An act for the further extending the powers of the Judges of the superior court of the Territory of Arkansas, under the act of the 26th day of May, 1824, and for other purposes;"

"An act for the relief of Mrs. Clarissa B. Harrison;"

"An act making provision for a subscription to a compilation of congressional documents;"

"An act for the relief of certain insolvent debtors of the United States;"

"An act allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places;"

“An act declaratory of the law concerning contempts of court;”

“An act making appropriations for the Indian Department for the year 1831;”

“An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia;”

“An act making appropriations for the naval service for the year 1831;”
and

“An act to carry into effect certain Indian treaties.”

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“An act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers;”

“An act for the relief of William T. Carroll, Clerk of the Supreme Court of the United States;”

“An act making appropriations for carrying on certain roads and works of internal improvement, and providing for surveys;”

“An act to incorporate a fire insurance company in Georgetown, in the District of Columbia;” and

“An act to regulate the foreign and coasting trade on the northern, north-eastern, and northwestern frontiers of the United States, and for other purposes.”

A message from the President of the United States, by Mr. Donelson, his Secretary:

Mr. President: The President of the United States this day approved and signed—

“An act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri;” and

“An act to authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew’s bay, in West Florida.”

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The President of the United States this day approved and signed—

“An act to ascertain and mark the line between the State of Alabama and the Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes;”

“An act making appropriations for the military service for the year 1831;”
and

“An act making appropriations for the support of Government for the year 1831.”

The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The President signed the five enrolled bills last reported to have been examined and signed; and they were delivered to the committee, to be laid before the President of the United States.

Mr. Naudain, from the joint committee, reported that they this day laid before the President of the United States the five enrolled bills last reported to have been examined and signed.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The President of the United States this day approved and signed—

“An act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers;”

“An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes;”

“An act to incorporate a fire insurance company in Georgetown, in the District of Columbia;” and

“An act making appropriations for carrying on certain roads and works of internal improvement, and providing for surveys.”

The House of Representatives have passed bills from the Senate of the following titles, viz:

“An act for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased;”

“An act for the relief of Woodson Wren, of Mississippi;”

“An act granting a pension to Martin Miller;”

“An act for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased;”

“An act for the relief of William B. Matthews, trustee;”

“An act for the relief of Benjamin S. Smoot, of Alabama;”

“An act for the relief of Duval and Carnes;”

“An act for the relief of Brevet Major Riley, and Lieutenants Brook and Seawright;”

“An act to extend the patent of Samuel Browning for a further period of fourteen years;”

“An act concerning vessels employed in the whale fishery;”

“An act for the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana;” and

“An act for the relief of John Nicholson;”

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

“An act for the relief of Christopher Bechtler;”

“An act for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased;”

“An act for the relief of Woodson Wren, of Mississippi;”

“An act granting a pension to Martin Miller;”

“An act for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre;”

“An act for the relief of William B. Matthews, trustee;”

“An act for the relief of Benjamin S. Smoot, of Alabama;”

“An act for the relief of Duval and Carnes;”

“An act for the relief of Brevet Major Riley, and Lieutenants Brook and Seawright;”

“An act to extend the patent of Samuel Browning for a further period of fourteen years;”

“An act concerning vessels employed in the whale fishery;”

“An act for the relief of John Culbertson, and to provide an interpreter

It was determined in the negative, { Yeas, 5
 { Nays, 20

On motion by Mr. Woodbury,
 The yeas and nays being desired by one-fifth of the Senators present,
 Those who voted in the affirmative, are,
 Messrs. Dickerson, Dudley, Forsyth, Iredell, Webster.
 Those who voted in the negative, are,
 Messrs. Barton, Benton, Burnet, Chambers, Clayton, Foot, Grundy,
 Hendricks, Johnston, King, Livingston, Marks, Naudain, Poindexter, Rug-
 les, Sanford, Seymour, Silsbee, Smith, of Maryland, Woodbury.

On motion by Mr. Webster,
 The Senate adjourned.

THURSDAY, MARCH 3, 1831.

Mr. Clayton, from the select committee appointed in pursuance of a res-
 olution of the Senate of the 15th of December last, "to examine and report
 the present condition of the Post Office Department; in what manner the
 laws regulating the Department are administered; the distribution of labor;
 the number of clerks, and the duties assigned to each; the number of agents,
 where and how employed; the compensation of contractors; and, generally,
 the entire management of the Department; and whether further, and what
 legal provisions are necessary to secure the proper administration of its af-
 fairs," made a report; which was read; and

Ordered, That the report, and the documents accompanying it, be printed.

On motion by Mr. Clayton,

Ordered, That the said committee be discharged from the further con-
 sideration of the statements marked A, B, and C, which accompanied the re-
 port of the Postmaster General of the 7th ultimo.

Mr. Chambers presented the memorial of Abraham Bradley, late Assistant
 Postmaster General, stating that, in various instances in the report made to
 the Senate by the Postmaster General, relative to the extra allowances made
 to mail contractors, erasures have been made, and his name inserted as "Act-
 ing Postmaster General," by which he is represented as the person by whom
 those allowances had been made, when, in truth, they had been made by Mr.
 Barry, the present Postmaster General, and against some of which he had
 actually remonstrated, as allowances not authorized by law, and so represent-
 ed them to the President of the United States; he further states, that, if
 the order to print that report be executed, and sent to the public under the
 sanction of the Senate, without correcting the misstatements referred to, con-
 sequences greatly injurious to his reputation would follow; and therefore
 prays that such order may be taken by the Senate as will protect his rights;
 and

Ordered, That it lie on the table.

On motion by Mr. Chambers,

Ordered, That the printing of the report of the Postmaster General under
 the order of the Senate of the 22d February last be suspended until further
 order.

The following written message was received from the President of the
 United States, by Mr. Donelson, his Secretary:

To the Senate of the United States:

I communicate to Congress a treaty of commerce and navigation between the United States and the Emperor of Austria, concluded in this city on 28th of March, 1830, the ratifications of which were exchanged on the 10th of February last.

ANDREW JACKSON.

On motion by Mr. Chambers, and by unanimous consent,

Resolved, That the following joint rule of the two Houses, to wit:

“ No bill or resolution, that shall have passed the House of Representatives and the Senate, shall be presented to the President of the United States for his approbation on the last day of the session,” be suspended so far as respects those bills which shall have been finally acted on by both Houses, or which require for their final passage an assent only to amendments.

Ordered, That the Secretary request the concurrence of the House of Representatives in said resolution.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have concurred in the resolution from the Senate suspending the 17th joint rule of the two Houses.

The have also concurred in the amendments of the Senate to the bill entitled “ An act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys;” and in the amendment of the Senate to the bill entitled “ An act for the benefit of Percis Lovely.”

They have passed the following resolution, in which they request the concurrence of the Senate, viz:

Resolved, That the 17th joint rule be suspended so far as relates to the bills of the Senate

For the relief of James Thomas;

For the relief of the representatives of Moses Hazen;

For the relief of Joseph S. Cannon;

For the relief of John Nicks;

For the relief of George B. Dameron and William Howze;

For the relief of John Gough, and other refugees;

For the relief of James Hogland;

For the relief of Samuel Coburn;

which bills were, on the 2d instant, ordered to a third reading, but were not read yesterday for the want of time.

The Senate proceeded to consider the said resolution; and it having been amended by adding thereto the words “ An act for the relief of the heirs and executors of Thomas Worthington,”

Resolved, That the Senate concur therein, with an amendment.

Ordered, That the Secretary request the concurrence of the House of Representatives in the amendment.

The President communicated a letter from the Secretary of the Treasury, assigning the causes that have prevented a compliance with the resolution of the Senate of the 29th May, 1830, directing him to cause a comparison to be made of the standards of weight and measure now used at the principal custom-houses in the United States;” and

Ordered, That it be printed.

The President communicated a letter from the Treasurer of the United

d, That the Secretary notify the House of Representatives accord-

nate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act for the relief of the legal representative of General Moses Hazen, deceased;" and, on motion by Mr. Bell,

d, That the Senate concur therein.

d, That the Secretary notify the House of Representatives accord-

ing, from the joint committee, reported that they had examined, and duly enrolled,

the bill making appropriations for building light-houses, light-boats, beacons, monuments, and placing buoys;"

and for the benefit of Percis Lovely, and for other purposes;"

and for the relief of the legal representatives of General Moses Hazen, deceased;"

and for the relief of James Thomas, late Quartermaster General of the United States;"

and for the relief of Joseph S. Cannon;"

and for the relief of Samuel Coburn, of the State of Mississippi;"

and for the relief of George B. Dameron and William Howze, of Mississippi;"

and for the relief of James Hogland;"

and for the relief of John Gough, and other Canadian refugees;" and

and for the relief of John Nicks."

On the report of the House of Representatives, by Mr. Clark, their Clerk: *residential*: The Speaker of the House of Representatives having previously enrolled bills, I am directed to bring them to the Senate for the consideration of their President.

The President signed the ten enrolled bills last reported to have been examined and they were delivered to the committee, to be laid before the President of the United States.

On the report of the joint committee, reported that they, this day, laid before the President of the United States the ten enrolled bills last reported to have been examined and signed.

On the report of the House of Representatives, by Mr. Clarke, their Clerk:

residential: The President of the United States, this day, approved the following bills—

and for the relief of William T. Carroll, Clerk of the Supreme Court of the United States;"

and for making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys;"

and for the benefit of Percis Lovely, and for other purposes;" and

and for the relief of Christopher Bechtler."

On motion by Mr. Tyler, and by unanimous consent,

d, That the report of the Secretary of the Treasury, in answer to a resolution of the Senate, made on the 26th May, 1830, for "a statement showing the amount that would be returnable to the merchants of the United States, should a bill reported by the Committee on Finance, to exempt from importation under certain circumstances from the operation of the Act of the 19th May, 1828, entitled 'An act in alteration of the several acts im-

States, transmitting *additional* accounts of the receipts and expenditures, connected with his report of yesterday on the same subject.

On motion by Mr. Sanford, and by unanimous consent,

Resolved, That the statements of commerce and navigation, mentioned in the letter of the Secretary of the Treasury of the 1st instant, be printed under the direction of the Secretary of the Senate, when they shall be received by him, for the use of the Senate; and that one thousand copies, in addition to the usual number, be printed.

By unanimous consent, Mr. Livingston asked and obtained leave to bring in a bill to provide a system of criminal law for the United States; which was read; and

Ordered, That it pass to a second reading, and that it be printed.

Mr. Robbins laid on the table a pamphlet entitled "Remarks on the expediency of abolishing the punishment of death, by Edward Livingston, LL. D., and a Senator in Congress from the State of Louisiana;" and

Ordered, That it be printed.

A message from the House of Representatives, by Mr. Clarke, their Clerk: *Mr. President*: The House of Representatives have concurred in the amendment of the Senate to the resolution from that House to suspend the 17th joint rule.

They have passed bills from the Senate of the following titles, viz:

"An act for the relief of Samuel Coburn, of the State of Mississippi;"

"An act for the relief of George B. Dameron and William Howze, of Mississippi;"

"An act for the relief of James Hogland;"

"An act for the relief of John Gough, and other Canadian refugees;"

"An act for the relief of John Nicks;"

"An act for the relief of the legal representatives of General Moses Hazen, deceased;"

"An act for the relief of Joseph S. Cannon;"

"An act for the relief of James Thomas, late Quartermaster General of the Army of the United States;" with amendments to the four latter bills; in which they request the concurrence of the Senate.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act for the relief of John Nicks;" and,

On motion by Mr. Foot,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act for the relief of Joseph S. Cannon;" and,

On motion by Mr. Naudain,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider the amendment of the House of Representatives to the bill entitled "An act for the relief of James Thomas, late Quartermaster General of the Army of the United States;" and,

On motion by Mr. Foot,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

The Senate proceeded to consider the amendments of the House of Representatives to the bill entitled "An act for the relief of the legal representatives of General Moses Hazen, deceased;" and,

On motion by Mr. Bell,

Resolved, That the Senate concur therein.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Naudain, from the joint committee, reported that they had examined, and found duly enrolled,

"An act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys;"

"An act for the benefit of Percis Lovely, and for other purposes;"

"An act for the relief of the legal representatives of General Moses Hazen, deceased;"

"An act for the relief of James Thomas, late Quartermaster General of the Army of the United States;"

"An act for the relief of Joseph S. Cannon;"

"An act for the relief of Samuel Coburn, of the State of Mississippi;"

"An act for the relief of George B. Dameron and William Howze, of Mississippi;"

"An act for the relief of James Hogland;"

"An act for the relief of John Gough, and other Canadian refugees;" and

"An act for the relief of John Nicka."

A message from the House of Representatives, by Mr. Clark, their Clerk:

Mr. President: The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate for the signature of their President.

The President signed the ten enrolled bills last reported to have been examined; and they were delivered to the committee, to be laid before the President of the United States.

Mr. Naudain, from the joint committee, reported that they, this day, laid before the President of the United States the ten enrolled bills last reported to have been examined and signed.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The President of the United States, this day, approved and signed—

"An act for the relief of William T. Carroll, Clerk of the Supreme Court of the United States;"

"An act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys;"

"An act for the benefit of Percis Lovely, and for other purposes;" and

"An act for the relief of Christopher Bechtler."

On motion by Mr. Tyler, and by unanimous consent,

Resolved, That the report of the Secretary of the Treasury, in answer to a call of the Senate, made on the 26th May, 1830, for "a statement showing the amount that would be returnable to the merchants of the United States, should a bill reported by the Committee on Finance, to exempt merchandise imported under certain circumstances from the operation of the act of the 19th May, 1828, entitled 'An act in alteration of the several acts im-

posing duties on imports,' become a law," be referred to the Secretary of the Treasury; and that he be directed to report to the Senate, at its next session, such further information on that subject as he may be able to obtain.

The President communicated a letter from the Secretary of the Treasury, transmitting statements showing the transactions of the Mint during the last year.

After the consideration of Executive business,

On motion by Mr. Smith, of Maryland,

The Senate adjourned to six o'clock this evening.

SIX O'CLOCK IN THE EVENING.

Mr. Woodbury presented the credentials of the Honorable Isaac Hill, appointed a Senator by the Legislature of the State of New Hampshire, for the term of six years from and after this day; which were read.

A message from the President of the United States, by Mr. Donelson, his Secretary:

Mr. President: The President of the United States, this day, approved and signed—

"An act for the relief of Woodson Wren, of Mississippi;"

"An act concerning vessels employed in the whale fishery;"

"An act for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased;"

"An act for the relief of George B. Dameron and William Howze, of Mississippi;"

"An act for the relief of Brevet Major Riley and Lieutenants Brook and Seawright;"

"An act to extend the patent of Samuel Browning for a further period of fourteen years,"

"An act to create the office of Surveyor of the public lands for the State of Louisiana;"

"An act for the relief of James Hogland;"

"An act for the relief of Joseph S. Cannon;"

"An act for the relief of the legal representatives of General Moses Hazen, deceased;"

"An act for the relief of James Thomas, late Quartermaster General of the army of the United States;"

"An act for the relief of Duval and Carnes;"

"An act for the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana;"

"An act for the relief of William B. Matthews, trustee;"

"An act granting a pension to Martin Miller;"

"An act for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased;"

"An act for the relief of Benjamin S. Smoot, of Alabama;"

"An act for the relief of John Nicholson;"

"An act for the relief of Samuel Coburn, of the State of Mississippi;"

"An act for the relief of John Gough, and other Canadian refugees;"

and

"An act for the relief of John Nicks."

Ordered, That the Secretary notify the House of Representatives accordingly.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives have passed a resolution for the appointment of a committee, to join such committee as may be appointed by the Senate, to wait on the President of the United States, and notify him, that, unless he may have other communications to make, the two Houses of Congress have finished the business before them, and are ready to close the present session by an adjournment; and have appointed a committee on their part.

The Senate proceeded to consider the last mentioned resolution; and

Resolved, That they concur therein.

Ordered, That Mr. Woodbury and Mr. Burnet, be the committee on the part of the Senate.

Ordered, That the Secretary notify the House of Representatives accordingly.

Mr. Woodbury, from the last mentioned committee, reported that they had discharged the duty assigned them, and that the President of the United States replied that he had no further communications to make to Congress.

On motion by Mr. Dickerson,

Ordered, That the Secretary inform the House of Representatives that the Senate, having finished the legislative business before them, are ready to close the present session of Congress by an adjournment.

A message from the House of Representatives, by Mr. Clarke, their Clerk:

Mr. President: The House of Representatives, having finished the business before them, are about to adjourn.

After the consideration of Executive business,

The President adjourned the Senate *sine die*.

IN THE
COURT OF THE COMMONS

APPENDIX.

EXTRACT FROM SO MUCH OF THE EXECUTIVE JOURNAL OF THE SENATE AS
RELATES TO THE CHOCTAW TREATY.

THURSDAY, DECEMBER 9, 1830.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

December 9, 1830.

Gentlemen: I transmit herewith a treaty, concluded by Commissioners duly authorized on the part of the United States, with the Choctaw tribe of Indians, which, with the explanatory documents, is submitted to the Senate for their advice and consent as to the ratification of the same.

ANDREW JACKSON.

The message, treaty, and documents were read.

Ordered, That they be referred to the Committee on Indian Affairs, and that the treaty and documents be printed under an injunction of secrecy.

TUESDAY, DECEMBER 14, 1830.

The following motion, submitted by Mr. Poindexter, was considered by unanimous consent, and agreed to:

Resolved, That the President of the United States be requested to cause to be laid before the Senate copies of any letters or other communications which may have been received at the Department of War from the chiefs and head men, or any one of them, of the Choctaw tribe of Indians, since the treaty entered into by the Commissioners on the part of the United States, with that tribe of Indians, at Dancing Rabbit creek; and that he also be requested to inform the Senate, from the information which he may possess on that subject, whether any, and, if any, what number of Indians belonging to said tribe have emigrated to the country west of the Mississippi since the date of said treaty, and whether any reluctance has been manifested by said Indians, or any part of them, to emigrate, according to the stipulations of the treaty; and, also, what number of said tribe had removed west of the Mississippi according to former treaties entered into with them.

MONDAY, DECEMBER 20, 1830.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

December 20, 1830.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 14th instant, calling for copies of any letters or other communications which may have been received at the Department of War from the chiefs and head men, or any one of them, of the Choctaw tribe of Indians, since the treaty entered into by the Commissioners on the part of the United States with that tribe of In-

dians, at Dancing Rabbit creek; and also for information showing the number of Indians belonging to that tribe who have emigrated to the country west of the Mississippi, &c. &c., I submit herewith a report from the Secretary of War, containing the information requested.

ANDREW JACKSON.

The message and documents were read.

Ordered, That they be referred to the Committee on Indian Affairs, and be printed in confidence for the use of the Senate.

MONDAY, JANUARY 3, 1831.

The following message was received from the President of the United States, by Mr. Donelson, his Secretary:

January 3, 1831.

To the Senate of the United States:

Since my message of the 20th of December last, transmitting to the Senate a report from the Secretary of War, with information requested by the resolution of the Senate of the 14th December, in relation to the treaty concluded at Dancing Rabbit creek with the Choctaw Indians, I have received the two letters which are herewith enclosed, containing further information on the subject.

ANDREW JACKSON.

The message and the accompanying documents were read.

Ordered, That they be referred to the Committee on Indian Affairs, and be printed under an injunction of secrecy.

TUESDAY, JANUARY 4, 1831.

Mr. White, from the Committee on Indian Affairs, to whom was referred on the 9th December, the treaty with the Choctaw Indians, together with the messages relating thereto of the 20th December and the 3d instant, reported the treaty without amendment.

THURSDAY, FEBRUARY 17, 1831.

The treaty with the Choctaw Indians was read the second time, and considered as in Committee of the Whole.

On motion by Mr. Poindexter,

Ordered, That it lie on the table.

The following motion, submitted by Mr. Benton, was considered and agreed to:

Resolved, That the Committee on Indian Affairs be authorized to call before them any persons now in Washington city, and take their examinations on oath, relative to the country destined for the use of the Choctaws, and other Indians, beyond the Mississippi, and the actual condition of the Indians who have removed; and report the said examinations to the Senate.

SATURDAY, FEBRUARY 19, 1831.

Mr. Benton, from the Committee on Indian Affairs, who were authorized by the resolution of the Senate of the 17th instant, to take depositions relative to the country destined for the use of the Indians beyond the Mississippi, submitted the answers of William Clark, Superintendent of Indian Affairs at St. Louis, to certain interrogatories propounded by the committee.

The document was read.

The Senate resumed, as in Committee of the Whole, the consideration of the treaty with the Choctaw Indians; and no amendment having been made, it was reported to the Senate.

Mr. White submitted the following resolution; which was considered by unanimous consent:

Resolved, (two-thirds of the Senators present concurring,) That the Senate do advise and consent to the ratification of the treaty between the United States of America and the mingoes, chiefs, captains, and warriors of the Choctaw nation, concluded at Dancing Rabbit creek on the 15th of September, 1830, together with the supplement thereto, concluded at the same place the 28th of September, 1830.

A motion was made by Mr. Knight to amend the resolution by inserting after "That," in the second line, the following: "disavowing the principle asserted by the Commissioners in the preamble, that the President cannot protect the Choctaw people in their rights and possessions in the State of Mississippi; but, on the contrary, he has full power and authority so to do, and with this asseveration."

And after debate,

On motion by Mr. Hendricks,

It was agreed to recommit the treaty to the Committee of the Whole.

On motion by Mr. Hendricks, to strike out the preamble to the treaty, the question was put, Shall the following words, "Whereas the General Assembly of the State of Mississippi has extended the laws of said State to persons and property within the chartered limits of the same, and the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws: now, therefore, that the Choctaws may live under their own laws in peace with the United States and the State of Mississippi, they have determined to sell their lands east of the Mississippi, and have accordingly agreed to the following articles of treaty," stand part of the treaty? And

It was determined in the negative, { Yeas, 11,
Nays, 32.

Those who voted in the affirmative, are,
Messrs. Benton, Brown, Dudley, Ellis, Forsyth, Grundy, Hayne, King, Livingston, Tazewell, White.

Those who voted in the negative, are,
Messrs. Barnard, Barton, Bell, Bibb, Burnet, Chambers, Chase, Dickerson, Foot, Frelinghuyesen, Hendricks, Holmes, Iredell, Johnston, Kane, Knight, McKinley, Marks, Naudain, Poindexter, Robbins, Robinson, Ruggles, Sanford, Seymour, Smith, of Maryland, Smith, of South Carolina, Sprague, Troup, Tyler, Willey, Woodbury.

So the motion to strike out the preamble was agreed to.

No further amendment having been made, the treaty was reported to the Senate, the question again put, and the amendment concurred in.

Mr. White submitted the following resolution:

Resolved, (two-thirds of the Senators present concurring,) That the Senate do advise and consent to the ratification of the treaty between the United States of America and the mingoes, chiefs, captains, and warriors of the Choctaw nation, concluded at Dancing Rabbit creek on the 15th of September, 1830, together with the supplement thereto, concluded at the same place the 28th September, 1830, with the exception of the preamble.

MONDAY, FEBRUARY 21, 1831.

The Senate resumed the consideration of the treaty with the Choctaw Indians, together with the resolution submitted the 19th instant, to ratify the same.

On motion by Mr. Knight to amend the resolution, by inserting after the word "That," in the 2d line, the following words: "disavowing the principle asserted by the Commissioners in their negotiation, that the President cannot protect the Choctaw people in their property, rights, and possessions, in the State of Mississippi,"

It was determined in the negative, { Yeas, 19,
Nays, 25.

Those who voted in the affirmative, are,

Messrs. Barton, Bell, Burnet, Chambers, Chase, Clayton, Foot, Frelinghuysen, Holmes, Johnston, Knight, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Sprague, Willey.

Those who voted in the negative, are,

Messrs. Benton, Bibb, Brown, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Iredell, Kane, King, Livingston, McKinley, Poindexter, Robinson, Sanford, Smith, of Maryland, Smith, of South Carolina, Tazewell, Troup, Tyler, White, Woodbury.

On the question to agree to the resolution,

It was determined in the affirmative, { Yeas, 33,
Nays, 12.

Those who voted in the affirmative, are,

Messrs. Bell, Benton, Bibb, Brown, Chase, Dickerson, Dudley, Ellis, Forsyth, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Poindexter, Robbins, Robinson, Ruggles, Sanford, Smith, of Maryland, Smith, of South Carolina, Tazewell, Troup, Tyler, White, Willey, Woodbury.

Those who voted in the negative, are,

Messrs. Barton, Burnet, Chambers, Clayton, Foot, Frelinghuysen, Marks, Naudain, Noble, Seymour, Silsbee, Sprague.

Ordered, That the Secretary lay this resolution before the President of the United States.

Mr. Benton submitted the following motion; which was read and considered:

Resolved, That three thousand copies of the communications from General William Clark, General Campbell, and Mr. A. P. Choteau, be *printed* for the use of the Senate; and that the injunction of secrecy be removed from all the proceedings had in the Senate on the ratification of the Choctaw treaty.

On motion by Mr. Frelinghuysen,

The motion was amended by inserting at the end thereof, "and all the proceedings and documents in relation to, and connected with, the Choctaw treaty, as well as the message of the President of the United States of May 6, 1830, and the documents accompanying the same."

On the question to agree to the motion, a division was called for; and being taken on so much as relates to the *printing*,

It was determined in the *negative*.

The residue of the motion was concurred in.

So it was

Resolved, That the injunction of secrecy be removed from all the proceedings had in the Senate on the ratification of the Choctaw treaty, and all the proceedings and documents in relation to, and connected with, the Choctaw treaty, as well as the message of the President of the United States of May 6, 1830, and the documents accompanying the same.

On motion by Mr. Benton,

Resolved, That the injunction of secrecy be removed from the communications of General William Clark, General Campbell, and Mr. A. P. Chocteau, as communicated to the Senate through the Committee on Indian Affairs.

PROCEEDINGS OF THE SENATE

PRELIMINARY TO THE TRIAL OF THE IMPEACHMENT OF JAMES H. PECK,
JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT
OF MISSOURI.

MONDAY, APRIL 26, 1830.

A message from the House of Representatives, by Mr. Buchanan and Mr. Henry R. Storrs, two of their members:

Mr. President: We have been directed, in the name of the House of Representatives, and of all the people of the United States, to impeach James H. Peck, Judge of the district court of the United States for the district of Missouri, of high misdemeanors in office; and to acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same.

We have also been directed to demand that the Senate take order for the appearance of the said James H. Peck, to answer to said impeachment. And they withdrew.

The Senate proceeded to consider the last mentioned message; and,

On motion by Mr. Tazewell,

Resolved, That it be referred to a select committee, to consist of three members, to consider and report thereon.

Ordered, That Mr. Tazewell, Mr. Webster, and Mr. Bell, be the committee.

Mr. Benton, at his request, before the Senate proceeded to ballot for the last mentioned committee, was excused from voting.

TUESDAY, APRIL 27, 1830.

Mr. Tazewell, from the select committee to whom was referred the message yesterday received from the House of Representatives, relative to the impeachment of James H. Peck, made the following report:

“Whereas the House of Representatives, on the 26th day of the present month, by two of their members, Messrs. Buchanan, and Storrs, of New York, at the bar of the Senate, impeached James H. Peck, Judge of the district court of the United States for the district of Missouri, of high misdemeanors in office, and acquainted the Senate that the House of Representatives will, in due time, exhibit particular articles of impeachment against him, and make good the same; and likewise demanded that the Senate take order for the appearance of the said James H. Peck to answer the said impeachment: therefore,

Resolved, That the Senate will take proper order thereon, of which due notice shall be given to the House of Representatives.

And the committee further recommend to the Senate, that the Secretary of the Senate be directed to notify the House of Representatives of the foregoing resolution.

On motion by Mr. Tazewell,
The Senate proceeded to consider the said report and resolution; and
Resolved, That they concur therein.
Ordered, That the Secretary notify the House of Representatives accordingly.

WEDNESDAY, APRIL 28, 1830.

The Vice President communicated two letters from James H. Peck, Judge of the district court of the United States for the district of Missouri, notifying the Senate of his intention of going to Baltimore, where he should remain some days; and requesting that, in the arrangement of the Senate chamber, preparatory to his impeachment, a seat may be assigned him by which he may avoid facing the windows; which were read; and

Ordered, That they lie on the table.

MONDAY, MAY 3, 1830.

A message from the House of Representatives, by Mr. Clarke, their Clerk:
Mr. President: I am directed to inform the Senate that the House of Representatives have appointed Mr. Buchanan, of Pennsylvania, Mr. Storrs, of New York, Mr. McDuffie, of South Carolina, Mr. Spencer, of New York, and Mr. Wickliffe, of Kentucky, managers to conduct the impeachment against James H. Peck, Judge of the district court of the United States for the district of Missouri; and have directed the said managers to carry to the Senate the article agreed upon by the House, to be exhibited in maintenance of their impeachment against the said James H. Peck.

The message having been read,

On motion by Mr. Tazewell, and by unanimous consent,

Resolved, That, at twelve o'clock to-morrow, the Senate will resolve itself into a court of impeachment, at which time the following oath or affirmation shall be administered by the Secretary to the President of the Senate, and by him to each member of the Senate, viz:

"I solemnly swear, (or affirm, as the case may be,) that, in all things appertaining to the trial of the impeachment of James H. Peck, Judge of the district court of the United States for the district of Missouri, I will do impartial justice, according to law."

Which court of impeachment, being thus formed, will, at the time aforesaid, receive the managers appointed by the House of Representatives to exhibit articles of impeachment, in the name of themselves and of all the people of the United States, against James H. Peck, Judge of the district court of the United States for the district of Missouri, pursuant to notice given to the Senate this day by the House of Representatives, that they had appointed managers for the purposes aforesaid.

Ordered, That the Secretary lay this resolution before the House of Representatives.

On motion by Mr. Tazewell, and by unanimous consent,

Resolved, That, after the managers of the impeachment shall be introduced to the bar of the Senate, and shall have signified that they are ready to exhibit articles of impeachment against James H. Peck, the President of the Senate shall direct the Sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States articles of

impeachment against James H. Peck, Judge of the district court of the United States for the district of Missouri;" after which, the articles shall be exhibited; and then the President of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, which due notice shall be given to the House of Representatives.

Trial of James H. Peck, Judge of the district court of the United States for the district of Missouri, on the charge of high misdemeanor in office.

TUESDAY, MAY 4, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

On motion by Mr. Tazewell,

The Senate resolved itself into a high court of impeachment; and

The Secretary administered the oath prescribed by the resolution of yesterday to the Vice President, who then administered the same oath to the following Senators, viz:

Messrs. Adams, Barnard, Barton, Bell, Bibb, Brown, Burnet, Chase, Clayton, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grady, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, McLean, Marks, Naudain, Noble, Robbins, Rowan, Ruggles, Sanford, Seymour, Silsbee, Smith, of South Carolina, Sprague, Tazewell, Troup, Tyler, Webster, White, Willey, Woodbury.

The managers on the part of the House of Representatives, viz: Messrs. Buchanan, Storrs, of New York, McDuffie, Spencer, and Wickliffe, appeared, and were admitted; and Mr. Buchanan, their chairman, having announced that they were the managers instructed by the House of Representatives to exhibit a certain article of impeachment against James H. Peck, Judge of the district Court of the United States for the district of Missouri,

They were requested by the Vice President to take seats assigned them within the bar; and the Sergeant-at-Arms was directed to make proclamation in the words following:

"Oyez! oyez! oyez! All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the nation is exhibiting to the Senate of the United States articles of impeachment against James H. Peck, Judge of the district court of the United States for the district of Missouri."

After which the managers rose, and Mr. Buchanan, their chairman, read the following article:

Article exhibited by the House of Representatives of the United States, in the name of themselves and of all the people of the United States, against James H. Peck, Judge of the District Court of the United States for the district of Missouri, in maintenance and support of their impeachment against him for high misdemeanors in office.

ARTICLE.

That the said James H. Peck, Judge of the district court of the United States for the district of Missouri, at a term of the said court, holden at St. Louis, in the State of Missouri, on the fourth Monday in December, one thousand eight hundred and twenty-five, did, under and by virtue of the power and authority vested in the said court by the act of the Congress of the United States, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved on the twenty-sixth

day of May, one thousand eight hundred and twenty-four, render a final decree of the said court in favor of the United States, and against the validity of the claim of the petitioners, in a certain matter or cause depending in the said court under the said act, and before that time prosecuted in the said court, before the said Judge, by Julie Soulard, widow of Antoine Soulard, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs at law of the said Antoine Soulard, petitioners, against the United States, praying for the confirmation of their claim under the said act to certain lands situated in the said State of Missouri; and the said court did thereafter, on the thirtieth day of December, in the said year, adjourn to sit again on the third Monday in April, one thousand eight hundred and twenty-six.

And the said petitioners did, at the same December term of the said court, holden by and before the said James H. Peck, Judge as aforesaid, in due form of law, under the said act, appeal against the United States, from the judgment and decree so made and entered in the said matter, to the Supreme Court of the United States; of which appeal, so made and taken in the said district court, the said James H. Peck, Judge of the said court, had then and there full notice. And the said James H. Peck, after the said matter or cause had so been duly appealed to the Supreme Court of the United States, and on or about the thirtieth day of March, one thousand eight hundred and twenty-six, did cause to be published in a certain public newspaper, printed at the city of St. Louis, called "The Missouri Republican," a certain communication prepared by the said James H. Peck, purporting to be the opinion of the said James H. Peck, as Judge of the said court, in the matter or cause aforesaid, and purporting to set forth the reasons of the said James H. Peck, as such Judge, for the said decree; and that Luke Edward Lawless, a citizen of the United States, and an attorney and counsellor at law in the said district court, and who had been of counsel for the petitioners in the said court in the matter aforesaid, did, thereafter, and on or about the eighth day of April, one thousand eight hundred and twenty-six, cause to be published in a certain other newspaper, printed at the city of St. Louis, called "The Missouri Advocate and St. Louis Enquirer," a certain article signed "A Citizen," and purporting to contain an exposition of certain errors of doctrine and fact alleged to be contained in the opinion of the said James H. Peck, as before that time so published, which publication by the said Luke Edward Lawless was to the effect following, viz:

To the Editor:

SIR: I have read, with the attention which the subject deserves, the opinion of Judge Peck on the claim of the widow and heirs of Antoine Soulard, published in the Republican of the 30th ultimo. I observe that, although the Judge has thought proper to decide against the claim, he leaves the grounds of his decree open for further discussion.

Availing myself, therefore, of this permission, and considering the opinion so published to be a fair subject of examination to every citizen who feels himself interested in or aggrieved by its operation, I beg leave to point the attention of the public to some of the principal errors which I think that I have discovered in it. In doing so I shall confine myself to little more than an enumeration of those errors, without entering into any demonstration or developed reasoning on the subject. This would require more space

than a newspaper allows, and, besides, is not (as regards most of the points) absolutely necessary.

Judge Peck, in this opinion, seems to me to have erred in the following assumptions, as well of fact as of doctrine:

1st. That, by the ordinance of 1754, a subdelegate was prohibited from making a grant in consideration of services rendered or to be rendered.

2d. That a subdelegate in Louisiana was not a subdelegate contemplated by the above ordinance.

3d. That O'Reily's regulations, made in February, 1770, can be considered as demonstrative of the extent of the granting power of either the Governor General or the subdelegates under the royal order of August, 1770.

4th. That the royal order of August, 1770, (as recited or referred to in the preamble to the regulations of Morales, of July, 1799,) related exclusively to the Governor General.

5th. That the word "mercedes," in the ordinance of 1754, which in the Spanish language means "gifts," can be narrowed by any thing in that ordinance, or in any other law, to the idea of a grant to an Indian, or a reward to an informer, and much less to a mere sale for money.

6th. That O'Reily's regulations were in their terms applicable, or were, in fact, applied to, or published in, Upper Louisiana.

7th. That the regulations of O'Reily have any bearing on the grant to Antoine Soulard, or that such a grant was contemplated by them.

8th. That the limitation to a square league of grants to new settlers in Opelousas, Attakapas, and Natchitoches, (in 8th article of O'Reily's regulations,) prohibits a larger grant in Upper Louisiana.

9th. That the regulations of the Governor General Gayoso, dated 9th September, 1797, entitled "Instructions to be observed for the admission of new settlers," prohibit, in future, a grant for services, or have the effect of annulling that to Antoine Soulard, which was made in 1796, and not located or surveyed until February, 1804.

10th. That the complete titles made by Gayoso are not to be referred to as affording the construction made by Gayoso himself of his own regulations.

11th. That, although the regulations of Morales were not promulgated as law in Upper Louisiana, the grantee in the principal case was bound by them, inasmuch as he had notice, or must be presumed, "from the official station which he held," to have had notice, of their terms.

12th. That the regulations of Morales "exclude all belief that any law existed under which a confirmation of the title in question could have been claimed."

13th. That the complete titles (produced to the court) made by the Governor General or the Intendant General, though based on *incomplete titles* not conformable to the regulations of O'Reily, Gayoso, or Morales, afford no inference in favor of the power of the Lieutenant Governor, from whom these incomplete titles emanated, and must be considered as anomalous exercises of power in favor of individual grantees.

14th. That the language of Morales himself, in the complete titles issued by him on concessions made by the Lieutenant Governor of Upper Louisiana, anterior to the date of his regulations, ought not to be referred to as furnishing the construction which he, Morales, put on his own regulations.

15th. That the uniform practice of the subdelegates or Lieutenant Governor of Upper Louisiana, from the first establishment of that province to the 10th March, 1804, is to be disregarded as proof of law, usage, or custom, therein.

16th. That the historical fact, that *nineteen-twentieths* of the titles to lands in Upper Louisiana were not only incomplete, but not conformable to the regulations of O'Reilly, Gayoso, or Morales, at the date of the cession to the United States, affords no inference in favor of the general legality of those titles.

17th. That the fact that incomplete concessions, whether floating or local, were, previous to the cession, treated and considered by the government and population of Louisiana as property, saleable, transferable, and the subject of inheritance and distribution ab intestato, furnishes no inference in favor of those titles, or to their claim to the protection of the treaty of cession or of the law of nations.

18th. That the laws of Congress heretofore passed in favor of incomplete titles furnish no argument or protecting principle in favor of those titles of precisely similar character which remain unconfirmed.

In addition to the above, a number of other errors, consequential on those indicated, might be stated. The Judge's doctrine as to the forfeiture, which he contends is inflicted by Morales's regulations, seems to me to be peculiarly pregnant with grievous consequences. I shall, however, not tire the reader with any further enumeration, and shall detain him only to observe, by way of conclusion, that the Judge's recollection of the argument of the counsel for the petitioner, as delivered at the bar, differs materially from what I can remember, who also heard it. In justice to the counsel, I beg to observe, that all that I have now submitted to the public has been suggested by that argument as spoken, and by the printed report of it, which is even now before me.

A CITIZEN.

And the said James H. Peck, Judge as aforesaid, unwinding of the solemn duties of his station, and that he held the same, by the Constitution of the United States, during good behavior only; with intention wrongfully and unjustly to oppress, imprison, and otherwise injure the said Luke Edward Lawless, under color of law, did, thereafter, at a term of the said district court of the United States for the district of Missouri, begun and held at the city of St. Louis, in the State of Missouri, on the third Monday in April, one thousand eight hundred and twenty-six, arbitrarily, oppressively, and unjustly, and under color and pretence that the said Luke Edward Lawless was answerable to the said court for the said publication, signed "A Citizen," as for a contempt thereof, institute, in the said court, before him, the said James H. Peck, Judge as aforesaid, certain proceedings against the said Luke Edward Lawless, in a summary way, by attachment, issued for that purpose by the order of the said James H. Peck, as such Judge, against the person of the said Luke Edward Lawless, touching the said pretended contempt, under and by virtue of which said attachment the said Luke Edward Lawless was, on the twenty-first day of April, one thousand eight hundred and twenty-six, arrested, imprisoned, and brought into the said court, before the said Judge, in the custody of the Marshal of the said State; and the said James H. Peck, Judge as aforesaid, did afterwards, on the same day, under the color and pretences aforesaid, and with the intent aforesaid, in the said court, then and there unjustly, oppressively, and arbitrarily, order and judge that the said Luke Edward Lawless, for the cause aforesaid, should be committed to prison for the period of twenty-four hours, and that he should be suspended from practising as an attorney or counsellor at law in

the said district court for the period of eighteen calendar months from that day; and did then and there further cause the said unjust and oppressive sentence to be carried into execution; and the said Luke Edward Lawless was, by the order of the said James H. Peck, Judge as aforesaid, thereupon suspended from practising as such attorney or counsellor in the said court for the period aforesaid, and immediately committed to the common prison in the said city of St. Louis, to the great disparagement of public justice, the abuse of judicial authority, and to the subversion of the liberties of the people of the United States.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles, or other accusation or impeachment, against the said James H. Peck, and also of replying to his answers which he shall make unto the article herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other articles, accusation, or impeachment, which shall be exhibited by them as the case shall require, do demand that the said James H. Peck may be put to answer the high misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments, may be thereupon had and given, as may be agreeable to law and justice.

A. STEVENSON,

Speaker of the House of Representatives U. S.

Attest: M. ST. CLAIR CLARKE,

Clerk House of Reps. U. S.

The Vice President then informed the managers that the Senate would take proper order on the subject of the impeachment, of which due notice should be given to the House of Representatives.

The managers, by their chairman, delivered the article of impeachment at the table of the Secretary, and then withdrew.

On motion by Mr. Tazewell, and by unanimous consent,

Resolved, That the Secretary be directed to issue a summons, in the usual form, to James H. Peck, Judge of the district court of the United States for the district of Missouri, to answer a certain article of impeachment exhibited against him by the House of Representatives on this day; and that the said summons be returnable here on Tuesday next, the eleventh instant, and be served by the Sergeant-at-Arms, or some person to be deputed by him, at least three days before the return day thereof.

Ordered, That the Secretary lay this resolution before the House of Representatives.

On motion by Mr. Tazewell,

The court adjourned to 12 o'clock on Tuesday next.

TUESDAY, MAY 11, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The Vice President administered the oath prescribed, to Mr. Smith, of Maryland, and Mr. Chambers.

The court was then opened by the following proclamation:

“Oyez! oyez! oyez! Silence is commanded on pain of imprisonment while the Senate of the United States is sitting as a high court of impeach-

stant for the trial of James H. Peck, Judge of the district court of the United States for the district of Missouri."

The return of the Sergeant-at-Arms of the summons issued to James H. Peck, was read as follows:

"I, Mountjoy Bayly, Sergeant-at-Arms of the Senate of the United States, in obedience to the within summons, to me directed, did proceed to Barnum's hotel, in the city of Baltimore, on Thursday, the sixth instant, and did then and there deliver to, and leave with, the within named James H. Peck, a true copy of the within writ of summons, and a like copy of the precept thereon endorsed, and did show him both.

"MOUNTJOY BAYLY.

"WASHINGTON, 5th May, 1830."

The Secretary then administered the following oath to the Sergeant-at-Arms:

"You, Mountjoy Bayly, Sergeant-at-Arms to the Senate of the United States, do swear that the return made and subscribed by you upon the process issued on the 4th day of May instant by the Senate of the United States against James H. Peck, Judge of the district court of the United States for the district of Missouri, is truly made, and that you have performed said services as therein described. So help you God."

Proclamation was then made as follows:

"Oyez! oyez! oyez! James H. Peck, Judge of the district court of the United States for the district of Missouri, come forward and answer the article of impeachment exhibited against you by the House of Representatives."

Whereupon

James H. Peck appeared at the bar, attended by William Wirt, as his counsel, and by whom he submitted the following application:

Mr. President: I appear in obedience to a summons from this honorable court to answer an article of impeachment exhibited against me by the honorable the House of Representatives of the United States.

The summons, in which the article of impeachment was embodied, was served on me in the city of Baltimore on Thursday last. Three juridical days only have elapsed since that period, one of which has been partly employed in travelling to this city; and owing to my own ill health and the professional engagements of the counsel selected for my defence, the time has been wholly inadequate to the preparation of such an answer and plea as the nature of the case requires.

Although the article of impeachment against me be a single one, yet the legal justification of my conduct and the vindication of my character require that a full and particular answer, explanatory of the transaction on which I am accused, and of the principles of law on which I acted, should be placed on the files of this honorable court.

The publication which was adjudged and punished as a contempt became such by the manner in which it misrepresented, distorted, and discolored the opinion which it professed to censure; to the public scandal and contempt of the court which had pronounced that opinion, and to the prejudice of other causes of the same character and resting on the same principles, which were still pending in court, and waiting for decision. To show that such was the character, and such the tendency of the publication; that it was, therefore, in law a contempt of court; that, in proceeding to punish it as such, the court

was supported and justified by the highest authority, and did not act unjustly, arbitrarily, and oppressively, towards the party who stood convicted of the publication, but was influenced solely by a conscientious sense of public duty, will be the object and business of the answer. In desiring to present the whole case, fully and intelligibly, to this honorable court, in the form of an answer, instead of resting on the general plea of not guilty, I am sustained by the precedent set by this honorable court on a former occasion. Indeed it seems due to this honorable court and to the honorable House of Representatives, as well as to myself, that the facts and principles which constitute my defence should be fully, clearly, and distinctly set forth in my answer, in order that both my accusers and Judges may be in full possession of the grounds on which I respectfully, but confidently, believe that my conduct will find its entire vindication.

I ask only a reasonable time to prepare this answer with that care and consideration which are due to this high and honorable court, to the solemnity of the occasion, and to the deep interest, in point of reputation rather than of office, which I have in the result. In preparing this answer, it will be indispensably necessary that I should be present with the counsel who will be employed in drawing it, with a view to the correct exhibition of the facts which are to enter into that answer; and I submit it with great respect to this honorable court, that, to the accurate and just accomplishment of an object on which I have so much at stake, I ask nothing unreasonable when I request that I may be allowed until the 25th day of the present month for the purpose of filing my answer and plea.

It is equally indispensable to my defence that I should have witnesses from the State of Missouri, which was the scene of the transaction in question, and that I should have certified copies of records from the courts for the trial of land claims in that State. Some of these witnesses are named in the affidavit hereto annexed; but I confidently believe that there are others in that State who will be found equally material, if an opportunity shall be allowed me to go out and collect them. This honorable court will be pleased to observe that the transaction which is the subject of complaint occurred four years ago. The efforts which had been made from the year 1826 down to the present time to raise an impeachment on that ground, were known to have failed; and not expecting that the effort could ever succeed, I have not been careful to inquire or to reflect who might or might not be important to me as witnesses, in the apparently improbable event of an impeachment. I therefore deem it indispensable to the justice of the case, that after I shall have filed my answer and plea, an opportunity should be allowed me to go to Missouri and collect my witnesses, and to select from the records of land claims in that State the cases which bear immediately on the question before this honorable court, with the view of obtaining authenticated transcripts to be exhibited on the trial. I am aware that some time will be required to accomplish these objects; but justice requires that they should be accomplished. I ask only a fair trial, and that I may not be condemned unheard. But I should be condemned unheard if the hearing should be forced, and a condemnation should follow, before a reasonable opportunity shall be allowed me to collect the proofs essential to my defence.

I have no desire to delay or to avoid this trial; on the contrary, since it has assumed so serious a form, my sincere desire is to meet it with as little delay as possible. The distance from this place to Missouri, and the time which will probably be necessary to collect the proofs which have been in-

ted, and to bring them to this city, can be as well estimated by this honorable court as by myself. I will barely observe that the Marshal of the State, to whom it is understood that subpoenas for the witnesses are to be addressed, is believed to reside at the distance of seventy miles from St. Louis; there is not an entire certainty of finding all the witnesses at home; that, if they will probably require some days to arrange their business and domestic concerns, before they can safely set out on so distant a journey, which will detain them for six or eight weeks from home; that they are liable to detention by casualties on the way; and that some time will be necessary to procure the transcripts of records, which will be essential to my defence. It is believed that between fifty and sixty days from the dates of the subpoenas, were required, in practice, to be necessary to convene before the Judiciary Committee of the honorable House of Representatives, witnesses from the same State, in support of the charge which forms the ground of the impeachment. With the data before the honorable court, it is submitted that from fifty to sixty days from the time of filing my answer and plea, and the award of process which I am to carry and cause to be served in Missouri, will not be an unreasonable allowance of time to place me in a condition to meet a full and fair trial of the impeachment on its merits. I ask only the time which this honorable court shall deem reasonable for the accomplishment of these purposes; and that the time which shall be fixed may be such as to afford a fair probability, a reasonable certainty of commanding at this city the use of that testimony which the purposes of justice require; and that I may be saved from the humiliation of moving a farther continuance on the ground of the unavoidable absence of material testimony.

The motions which I respectfully submit are,

1st. That a reasonable time may be allowed me to prepare my answer and plea; and for this purpose I ask until the 25th day of the present month; 2d. That after my answer and plea shall be filed, process for witnesses may be awarded to me, and a reasonable time may be allowed to collect my witnesses and proofs from the State of Missouri.

In support of these motions, I beg leave to submit to this honorable court the accompanying affidavit.

JAMES H. PECK.

City of Washington, 16 wit:

James H. Peck made oath on the holy evangelists of Almighty God, that, among others, John B. C. Lucas, Robert Wash, Edward Bates, and Josiah Spalding, of the State of Missouri, are material witnesses for him on the trial of the impeachment preferred against him by the honorable the House of Representatives of the United States, and that he cannot safely go to trial without the benefit of their testimony; that he verily believes there are other witnesses in Missouri who may be equally material to him on the said trial, and whom he would have it in his power to collect if process shall be awarded, and an opportunity allowed to him to do so: that it will also be material for him to procure from the court for the trial of land claims in Missouri, authentic transcripts of records of several cases, which are essential to his defence, and without which he cannot safely go to trial; that it will be necessary for him to be present with his counsel who shall be engaged in drawing his answer and plea to the article of impeachment; and that, in order to perform this duty with accuracy and propriety, the indulgence which he has asked till the 25th of the present month is not more than reasonable; that

after this answer and plea shall be filed, the purposes of justice require that he should be furnished with process, and permitted to proceed to Missouri to collect his witnesses, and select from the land records the transcripts which will be necessary for his defence; and that he does not think it will be in his power to collect the necessary witnesses and documents at the city of Washington, with reasonable certainty, in a shorter space of time than from six to sixty days from the time that he shall set out with process, and farther, that his application to this honorable court for time to prepare his answer and plea, and for time to procure the attendance of necessary witnesses, and the transcript of records from the State of Missouri, is not made for the purpose of delay, but only for the purpose of obtaining a full and fair hearing of the impeachment against him on its real merits.

JAMES H. PECK

Subscribed and sworn to before me, the subscriber, a justice of the peace in and for the county of Washington, in the District of Columbia, this 10th day of May, 1830.

D. A. HALL, J. P.

Mr. Webster thereupon submitted the following motion; which was considered:

Ordered, That James H. Peck file his answer and plea with the Secretary of the Senate to the article of impeachment exhibited against him by the House of Representatives on or before the second Monday of the next session of Congress.

On motion by Mr. Bibb,

The said motion was amended, and then agreed to as follows:

Ordered, That James H. Peck file his answer and plea with the Secretary of the Senate to the article of impeachment exhibited against him by the House of Representatives on or before *the twenty-fifth day of the present month*.

Ordered, That the Secretary notify the House of Representatives and James H. Peck accordingly.

On motion by Mr. Chambers,

The court adjourned to Tuesday, the 25th instant, at 12 o'clock.

The Senate then adopted the following order on motion by Mr. Forsyth:

Ordered, That the Secretary of the Senate direct copies of the rules of proceedings prescribed in cases of impeachment to be printed for the use of the members, and laid on their tables on the first day of the next session of the court; and, also, that copies be furnished to the managers of the impeachment in the case of James H. Peck, and to the accused and his counsel.

The following are the rules referred to:

1. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person, and are directed to carry such articles to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to the said notice.
2. When the managers of an impeachment shall be introduced to the bar of the Senate, and shall signify that they are ready to exhibit articles of impeachment against any person, the President of the Senate shall direct the sergeant-at-Arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand interest of the nation is exhibiting to the Senate the United States articles of impeachment against ———," after which

TUESDAY, MAY 25, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

On motion by Mr. Webster,

Ordered, That the Secretary give notice to the House of Representatives that the Senate are now in their chamber, and are ready to proceed on the trial of the impeachment of James H. Peck, judge of the district court of the

the articles shall be exhibited, and then the President of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

3. A summons shall issue, directed to the person impeached, in the form following:

THE UNITED STATES OF AMERICA, ss.

The Senate of the United States to ———, greeting:

Whereas the House of Representatives of the United States of America did, on the ——— day of ———, exhibit to the Senate articles of impeachment against you, the said ———, in the words following:

[Here insert the articles.]

And did demand that you, the said ———, should be put to answer the accusations as set forth in said articles; and that such proceedings, examinations, trials, and judgments, might thereupon had as are agreeable to law and justice: You, the said ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their chamber, in the city of Washington, on the ——— day of ———, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders and judgments as the Senate of the United States shall make in the premises, according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness, ———, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———."

Which summons shall be signed by the Secretary of the Senate, and sealed with their seal, and served by the Sergeant-at-Arms to the Senate, or by such other person as the Senate shall specially appoint for that purpose, who shall serve the same pursuant to the directions given in the form next following:

4. A precept shall be endorsed on said writ of summons, in the form following, viz:

UNITED STATES OF AMERICA, ss.

The Senate of the United States to ———, greeting:

You are hereby commanded to deliver to, and leave with ———, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, showing him both: or in case he cannot with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence; and in whichever way you perform the service, let it be done at least ——— days before the appearance day mentioned in said writ of summons. Fail not; and make return of this writ of summons and precept, with your proceedings thereon endorsed, on or before the appearance day mentioned in the said writ of summons.

Witness, ———, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———."

Which precept shall be signed by the Secretary of the Senate, and sealed with their seal.

5. Subpoenas shall be issued by the Secretary of the Senate upon the application of the managers of the impeachment, or of the party impeached, or of his counsel, in the following form, viz:

To ———, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the ——— day of ———, at the Senate chamber, in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate, in which the House of Representatives have impeached ———.

Fail not.

Witness, ———, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———."

United States for the district of Missouri; and that seats are provided for the accommodation of the members of the House of Representatives.

The managers, accompanied by the House of Representatives, attend James H. Peck being called to make answer to the article of impeachment.

Which shall be signed by the Secretary of the Senate, and sealed with their seal. Which subpoenas shall be directed, in every case, to the Marshal of the district where such witnesses respectively reside, to serve and return.

6. The form of direction to the Marshal for service of a subpoena shall be as follows:

“THE SENATE OF THE UNITED STATES OF AMERICA,
To the Marshal of the District of _____.

You are hereby commanded to serve and return the within subpoena, according to law. Dated at Washington, this _____ day of _____, in the year of our Lord _____, and of the independence of the United States the _____.
_____, Secretary of the Senate.”

7. The President of the Senate shall direct all necessary preparations in the Senate chamber, and all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial, not otherwise specially provided for by the Senate.

8. He shall also be authorized to direct the employment of the Marshal of the District of Columbia, or any other person or persons, during the trial, to discharge such duties as may be prescribed by him.

9. At 12 o'clock of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

“I, _____, do solemnly swear that the return made and subscribed by me upon the process issued on the _____ day of _____, by the Senate of the United States, against _____, is truly made, and that I have performed said services as therein described. So help me God.” Which oath shall be entered at large on the records.

10. The person impeached shall then be called to appear, and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney; naming the person appearing, and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded.

11. At 12 o'clock of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be postponed. The Secretary shall then administer the following oath or affirmation to the President:

“You solemnly swear or affirm, that, in all things appertaining to the trial of the impeachment of _____, you will do impartial justice, according to the Constitution and laws of the United States.”

12. And the President shall administer the said oath or affirmation to each Senator present. The Secretary shall then give notice to the House of Representatives, that the Senate is ready to proceed upon the impeachment of _____, in the Senate chamber, which chamber is prepared with accommodations for the reception of the House of Representatives.

13. Counsel for the parties shall be admitted to appear, and be heard upon an impeachment.

14. All motions made by the parties, or their counsel, shall be addressed to the President of the Senate, and, if he shall require it, shall be committed to writing, and read at the Secretary's table; and all decisions shall be had by ayes and noes, and without debate, which shall be entered on the records.

15. Witnesses shall be sworn in the following form, to wit: “You, _____, do swear (or affirm, as the case may be,) that the evidence you shall give in the case now depending between the United States and _____ shall be the truth, the whole truth, and nothing but the truth. So help you God.” Which oath shall be administered by the Secretary.

16. Witnesses shall be examined by the party producing them, and then cross-examined in the usual form.

17. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

18. If a Senator wishes a question to be put to a witness, it shall be reduced to writing, and put by the President.

19. At all times, while the Senate is sitting upon the trial of an impeachment, the doors of the Senate chamber shall be kept open.

ment exhibited against him by the House of Representatives, appeared, attended by William Wirt and Jonathan Meredith, as his counsel; and having been asked by the Vice President whether he was prepared to answer the said article, he replied in the affirmative, and requested that his answer might be read by his counsel. The Vice President then asked him if the answer he desired to be read by his counsel be his final answer, on which he intends to rely. To which he also replied in the affirmative.

The Vice President then directed the counsel to read the answer; and it was accordingly read by Mr. Meredith, as follows:

The answer of James H. Peck to the Article of Impeachment exhibited against him by the Honorable House of Representatives of the United States.

The said James H. Peck, saving to himself all exceptions whatsoever to the said article, and the charges therein contained, answers and says:

That it is true that this respondent did, in his character of judge of the district court of the United States for the district of Missouri, at the December term of 1825, render a final decree in favor of the United States against the claim of the representatives of Antoine Soulard, for 10,000 arpents of land.

It is true, also, that an appeal was then and there taken, by the petitioners, from that decree, to the Supreme Court of the United States.

This respondent further states, that the decree rested on the ground that the inchoate title on which the petitioners relied had not proceeded from an officer who was authorized to originate the same, *so as to bind the Spanish Government to confirmation*; and hence, that whatever the United States, *in their sovereign capacity*, might be authorized to do with such a claim, it was not such a one as a *mere judiciary*, acting on the principles of *established law*, was authorized to confirm, under the act of Congress which had given the court jurisdiction over the subject.

The reasons for the opinion had been assigned *in extenso* at the time of its delivery, though they were not then reduced to writing.

But, as the case of Soulard was the first argued and decided of a long list of Spanish claims which were intended to be brought before the court, the bar was naturally desirous of being put in possession of the grounds of the opinion in a form more precise and permanent than their recollection of it as it had been delivered, *ore tenus*, from the bench; and, with this view, several of them requested that it might be published at length. And it is true, that, after the appeal had been taken, and after the adjournment of the court at which the final decree had been rendered, to wit, on or about the 30th day of March, 1826, the respondent, in compliance with that request, did cause his opinion to be published in a certain public newspaper, printed at the city of St. Louis, called the Missouri Republican; the opinion so published being in substance and effect the same which had been delivered on the bench.

The respondent had observed that such publications had been usual in the United States as well as in England; and he saw no impropriety in yielding to the request of the bar. On the contrary, there seemed to be a peculiar propriety in this case in yielding to it—

1. Because, as the opinion had proceeded exclusively on grounds which had not been fully argued at the bar, and as the branch of law on which these claims necessarily rested was new both to the bench and the bar, the court

was disposed to permit those grounds to be re-argued in the next case which might be presented for decision, and which rested on the same grounds; and, with this view, it was proper that these grounds should be opened to the deliberate consideration of the counsel who might be disposed to re-argue them.

2. If the counsel and their clients should become convinced, by the reasoning of the court, that the grounds of the decision could not be shaken, it might save to the parties, as well as to their counsel, much expense and trouble in the presentation of other claims, resting solely on those grounds; and, with this view, also, the respondent deemed it right that this reasoning should be submitted to the deliberate consideration both of the claimants and their counsel.

3. It might happen that there might be other cases, with relation to which facts might exist, that would enable the parties to take them out of the operation of these principles; and the publication of the opinion would apprise them of the necessity of that measure, and give them the opportunity of so shaping their cases as to avoid the operation of those principles.

4. The respondent was justly desirous that the claimants themselves, as well as their counsel, should see and know that these principles, which were understood to involve the fate of many other claims, had not been hastily and inconsiderately assumed by the court; but that they had been carefully and laboriously examined, weighed, and considered; and that the court had been constrained to come to its conclusion, by the force of evidence and of arguments which it could not conscientiously resist.

While all these considerations conspired so strongly to recommend the publication of the opinion, and the measure was justified by the practice of all courts, both in this country and in England, the court perceived no inconvenience which could possibly flow from it.

No damage to the land claimants could result from the publication of the opinion, which might not result in an equal, and, perhaps, superior degree, from the publication of the mere fact that the court had decided against the claim. On the contrary, the statement in the papers, of the general fact that the court had decided against the claim, was susceptible of being misconstrued as a decision against the whole mass of the Spanish claims at large; whereas the published opinion would show that the decision affected no other claims than those which rested on the precise and single ground on which Soulard's claim had been decided. With regard to prejudicing the public mind against the claims by the publication of the opinion, it would be a new thing to apply this principle to the publication of a judicial decision; and, again, what greater prejudice could be thus excited than by the publication of the single fact, that the court had decided against Soulard's claim?

It cannot be supposed that the decision of the Supreme Court on the appeal could be affected by the publication of the judge's reasoning, except so far as that reasoning was solid, and thus far it would be a proper effect; and there could be no doubt that the Attorney General of the United States would urge, in support of a judgment of affirmance in that case, all the topics, and probably more and stronger ones than those which had been urged by the judge of the district court.

This respondent has been thus particular in setting forth the reasons by which he was induced to yield to the request to publish his opinion, because the article of impeachment exhibited against him seems to imply that the

onorable House of Representatives deemed that publication unlawful or improper, or that it considered that publication as inviting or justifying the publication signed "A Citizen," which is set forth in the article of im-
achment.

It is true, also, that, after the opinion of the court had, for these reasons, been published in the "Missouri Republican," to wit, on or about the 5th day of April, 1826, the said Luke E. Lawless did cause to be published, in a certain other public newspaper printed at the city of St. Louis, called "The Missouri Advocate and St. Louis Enquirer," a certain article, signed "A Citizen," which is set forth at large in the article of im-
achment.

It is true, also, that this respondent, considering this last publication as a contempt of the court, did, in his judicial character, in the honest and conscientious discharge of what he deemed his official duty, proceed to punish it in such in the manner which will be hereafter set forth.

He did consider that publication as a contempt, for the following reasons:

1. Because it misrepresented the opinion of the court which it professed to censure, in a manner calculated to destroy the public confidence in the integrity or intelligence of the tribunal, and to bring the court into disrepute, hatred, contempt, and ridicule; and, having been made by a person who was attorney and counsel in the cause, and who must, therefore, be presumed to have known and understood the opinion of the court, the respondent did believe, and was justified in believing, that those misrepresentations were wilfully, wantonly, and maliciously made.

2. Because, before, and at the time of the said publication, there were other claims for lands still pending and undecided, in which the said Luke E. Lawless and others were of counsel for the petitioners, which other claims were of the same character, and rested for their decision on the same general principles on which the case of Antoine Soulard's representatives had been decided by the court; and the immediate tendency and object of the publication were to prejudice the public mind with regard to these claims; to excite the resentment and hostility of the numerous and influential body of land claimants in Missouri, and their connexions, against the judge, who alone composed the court; to destroy the public confidence in the integrity and judgment of the tribunal; to influence and restrain the court in the free and independent exercise of its judgment, with regard to these remaining claims; and thus to disturb and interrupt the due and regular administration of justice.

For these reasons, the respondent did consider and adjudge the said publication to be a contempt of the court; and did believe, and does still believe, that he was justified by the Constitution and laws of the land in so considering and adjudging it, and in punishing it as a contempt, by the summary process of attachment, in the manner in which it was punished.

In addition to which, it may be observed that the suit to which the publication related was still pending on appeal to the Supreme Court of the United States, and was liable to be remanded again to the district court for further proceedings.

The respondent respectfully presumes that the questions presented by the impeachment for the consideration and decision of this honorable court, are these:

- I. Was the publication, signed "A Citizen," a contempt of the court?
- II. If it was a contempt, was it punishable by the summary process of attachment in the manner in which it was punished?

III. If the court erred in adjudging and punishing it as a contempt, was it an innocent error of judgment on the part of the court, or was it a high misdemeanor, because wilfully and knowingly done in violation of law, and with the intention imputed by the article of impeachment, to wit, wrongfully, arbitrarily, and unjustly, to oppress, imprison, and otherwise injure the said Luke E. Lawless, under color of law?

This respondent presumes that it is only by making good the affirmative of the last proposition, that the impeachment against him can be sustained. He humbly, but confidently trusts that, at the proper time, he will be able to satisfy the Honorable Court, not only that this affirmative is untrue, but that all and singular the things which he has judicially done in the premises were dictated by the purest sense of official duty; were warranted and justified by the Constitution and known laws of the land; and were free from all feelings, designs, and intention, on his part, wrongfully, arbitrarily, and unjustly, to oppress, imprison, or otherwise to injure the said Luke E. Lawless, under color of law.

In the proper order of this answer, the first and great inquiry is, whether the publication signed "A Citizen" was a contempt of court?

The grounds on which the court held it a contempt have been already distinctly stated; and the principal purpose of this answer is to show that these grounds have been correctly taken, in point of fact.

The publication was a misrepresentation of the opinion of the court, tending to destroy the respect and confidence of the community in the tribunal, and to bring that tribunal into open and public contempt and scandal.

The only difficulty which this respondent experiences in establishing the truth of this proposition arises from the novel character of the controversy in which the opinion was pronounced. It will be impossible to decide whether the publication misrepresented the opinion, until the opinion itself shall be thoroughly understood; and the opinion cannot be so understood without a familiar acquaintance with the peculiar character of the controversy out of which it grew. In the country in which the publication took place, and in which it was intended to operate, the controversy was understood; and therefore the absurdities which that publication imputed to the court were immediately perceived and felt, and produced their intended effect on all who took their impressions only from that article. To enable the Honorable Court to estimate the effects of the publication on the people of Missouri, to whom it was addressed, it is necessary that they should possess the same familiarity with the nature of the controversy, the questions involved in it, and the peculiar character of the laws by which it was to be decided. For this respondent is convinced, that, without this familiar acquaintance with the subject, no person who now, for the first time, reads the opinion hastily and superficially, and as hastily and superficially compares it with the publication, will be struck with the misrepresentation: but that such a reader will, on the contrary, be apt to suppose that there is resemblance enough between the argumentative conclusions drawn by the judge in his opinion, and the *assumptions* imputed to him by the publication, to authorize the belief that the judge must have acted vindictively in treating it as a misrepresentation, and punishing it as a contempt. It is in this that the art and mischief of the publication consist. This Honorable Court must have observed, in the course of their experience, that the soundest conclusion which a logician can draw may be rendered ridiculous by suppressing the reasoning which led to it, and, under the pretence of giving

the result, by giving it in terms which distort it, without entirely extinguishing the resemblance. It is this species of caricature which pervades the whole of the article signed "A Citizen," and it was from this character that its mischievous tendency and operation arose. But to render this truth palpable to this Honorable Court, it is indispensably necessary that they should be able to institute the comparison between the opinion and the publication under those strong lights which can be furnished only by a familiar acquaintance with the subject-matter of the controversy. This will give trouble; but this Honorable Court is sitting in the last resort on a case most deeply affecting this respondent; and he feels the cheering confidence that the cause will now be mastered before it shall be decided.

To produce this effect, this respondent finds it necessary to begin by apprising this Honorable Court that Soulard's case was one of those which grew out of the cession of Louisiana to the United States, in 1803. By the third article of the treaty of cession, the United States stipulated that the inhabitants of the ceded territory should be protected in their property. Louisiana belonged originally to France, had been ceded to Spain in 1762, though possession was not taken by this latter power until 1769. In 1800, it had been re-ceded to France, though the possession was retained by Spain until, and even after the cession by France to the United States, in 1803. From these circumstances it was known, at the time of the last cession, that there existed various private claims to land in that province, both by French and Spanish subjects, and that these claims were of various characters. Some of them were mere rights by settlement and occupancy, without any title whatever derived from either of the preceding Governments; others, mere permissions to settle, which had never been surveyed; others, floating concessions for a given quantity of arpents, without any description of place, which had also never been surveyed; some of them were concessions by officers who had no right to make them; others, concessions surveyed, but which had not been carried into grant; and others, complete and final grants. It became important to ascertain what portion of these claims were valid, and what spurious. This was necessary, as well to enable the United States to keep its faith in protecting the inhabitants of the ceded territory in their property, as to ascertain what portion of the domain still belonged to the United States, and was subject to survey and sale by its authority.

To accomplish these purposes, special officers were first appointed, and then Boards of Commissioners were organized, to receive, adjudicate, and report upon these claims to Congress. The claimants were required to present their claims to these tribunals within a limited time, under pain of having them for ever barred. The commissioners were clothed with the most liberal powers of confirmation with regard to all fair claims of given descriptions; but among these provisions there is one to which this respondent deems it important to call the attention of this Honorable Court, as marking the sense of Congress with regard to the class of characters by whom it was anticipated that those claims might be presented. The commissioners were required to note specially, and to report to Congress, *all forged and antedated claims.*

Through indulgence to the land claimants, the time limited by the original law for the presentation of their claims was opened again and again. The Boards of Commissioners were kept in operation for many years; but when at last they were finally closed, it was still found that there were many outstanding claims, which were now pressed on the consideration of Congress with great importunity.

Under this pressure, Congress passed the act of the 26th May, 1824, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceeding to try the validity of their claims."

To two of the provisions of this act it is important to invite the attention of this Honorable Court. By the first section of the law, the persons authorized to appeal to the jurisdiction of the court were the holders of grants, &c., *legally made*, before the 10th March, 1804, *by the proper authorities*. By the second section, the court were required, *in all cases, to refer, in their decree, to the treaty, law, or ordinance, under which the claim was confirmed or decreed against*.

These provisions clearly indicated an apprehension, on the part of Congress, that claims might be presented on titles *not legally made by the proper authorities*; and that their confirmation might be urged on grounds other than those solid grounds of treaty, law, or ordinance, which alone Congress meant to *authorize the courts to regard as grounds of confirmation*.

The judges of these courts were thus required, by this act of Congress, to inform themselves of the several and respective powers of the officers employed by the preceding Governments in granting the royal domain in Louisiana, and of the various treaties, laws, and ordinances, under which confirmation could be demanded of the courts as matter of right: for the respondent did not consider himself as authorized by the act of Congress to administer any portion of the power of the United States *in their sovereign capacity*, and, therefore, to confirm every claim which that sovereign, *in the exercise of their free grace*, might confirm. He considered such a power as not being communicable to the *judiciary* under the Constitution of the United States; this instrument limiting the judiciary to the exercise of *judicial power* merely. From the constitution of the court, therefore, as well as from the terms of the act of Congress, he considered himself required in every case to call upon the claimant to show the authority of the officer from whom he had derived his title, and to show also the specific treaty, law, or ordinance, by which the court was authorized, *as a matter of right*, to confirm the claim.

The case of Soulard was this: Antoine Soulard claimed 10,000 arpents of land, under a concession alleged to have been made to him in 1796 by Don Zenon Trudeau, the Lieutenant Governor of Upper Louisiana, then called Illinois, and now Missouri. The concession was alleged to have been made for public services. The concession itself, and the petition on which it was founded, were not produced, they being stated by Soulard to have been destroyed through mistake. The court was therefore left to collect from the evidence the particular character of the *public services*, in consideration of which the alleged concession was made: and by this evidence, which was quite vague, it appeared that they were *services in the various characters of Surveyor of Upper Louisiana*, for which it was said he had theretofore received only the usual fees of office; *of Deputy Adjutant of that part of the province for a time*, and of *Informal Adviser or Assistant*, or, as one of the witnesses termed it, the *right arm of the Lieutenant Governor*.

The questions pressed upon the consideration of the court in this case, by the act of Congress, were;

1. Whether Don Zenon Trudeau, the Lieutenant Governor of Upper Louisiana, was authorized by the laws of Spain to make a concession of 10,000 arpents of land for such services as these?

2. Whether there was any *treaty, law, or ordinance*, to which the court could refer in its decree for a confirmation of the claim.

With regard to the laws of Spain, all that was known at the time of the decision was this:

1. That, from the epoch of the discovery by Columbus, the several kings of Spain, in succession, had, from time to time, made orders and decrees relative to granting out the royal domain in the newly discovered countries, which, long before the acquisition of Louisiana by Spain, had been collected and published in a general code, under the name of "*Laws of the Indies*;" to this collection belonged the royal order of 1754, with which it is unavoidably necessary that this honorable court should become better acquainted in the course of this answer.

2. That when, in 1769, Spain for the first time took possession of Louisiana, under Count O'Reily, that officer, who had been appointed by special commission Governor and Captain General of the province, had, on the 18th February, 1770, published at New Orleans a set of rules for the express purpose of directing the mode of granting out the lands in Louisiana; at the close of which regulations he "*ordered and commanded the Governor, Judges, Cabildo, and all the inhabitants of the province, to perform punctually all that was required by these regulations.*"

That, on the 9th September, 1797, the Spanish Governor Gayoso had also published at New Orleans additional regulations, addressed to the same specific purpose of granting out the royal domain in that province.

And, finally, that, on the 17th July, 1789, the Intendant Morales, to whom, in lieu of the Governor, the power of granting lands had been recently transferred, had published at New Orleans another set of regulations, directed to the same purpose, the granting of the royal lands, in which he recited those of O'Reily and Gayoso as having furnished the basis of his own.

So that here were two codes of Spanish law presented for the consideration of the court—

1. The code called "*the Laws of the Indies*," made for the government of the Spanish possessions prior to the acquisition of Louisiana;

2. The code composed of the regulations of O'Reily, Gayoso, and Morales, made and published for the express purpose of regulating the grants of the royal lands in Louisiana.

These two codes were fundamentally different in their policy. The *Laws of the Indies* looked to the raising of a revenue by a sale of the lands. The code of the Spanish Governors, on the contrary, looked to a gift of the lands for the encouragement of population and agriculture, and the raising of stock; and under the latter code, the quantity of lands given was always proportioned by a fixed standard *to the means of the settler; that is, to the number of his laborers or the quantity of his stock.*

The two codes were entirely different, also, in the organization of the officers employed in originating and completing the titles.

Under the former, by virtue more particularly of the royal order of 1754, the officer who originated the title was a *subdelegate Judge, appointed by the Viceroy and Presidents of the Royal Audiencias, whose appointment was expressly required to be notified to the Secretary of State and Universal Despatch of the Indies; and the subdelegate, so appointed, had also express power to subdelegate his commission to others.*

But, in Louisiana, there were neither *Viceroy*s, *Royal Audiencias*, nor *subdelegate Judges*, so appointed, and armed with such power of *sub-delegation*.

Under the royal order of 1754, the officers authorized to confirm an incipient title were the *Royal Audiencias*.

Under the code of regulations in Louisiana, *the whole arrangement was radically different*, and is thus briefly delineated in the 12th regulation of O'Reily which was the regulation in force at the date of the alleged concession to Souldard by Trudeau, to wit, in 1796:

“ 12. All grants shall be made in the name of the King, by *the Governor General of the province, who will, at the same time, appoint a Surveyor to fix the bounds thereof, both in front and depth, in presence of the Judge Ordinary of the district, and of two adjoining settlers, who shall be present at the survey. The above mentioned four persons shall sign the verbal process which shall be made thereof, and the Surveyor shall make three copies of the same—one of which shall be deposited in the office of the Scrivener of the Government and Cabildo, another shall be delivered to the Governor General, and the third to the proprietor, to be annexed to the titles of his grant.*”

With two codes thus strikingly different in their policy, arrangements, and details, the question was, to which of them the court was to refer, in order to test the power of *Don Zenon Trudeau*, the Lieutenant Governor of Upper Louisiana, to make to Souldard the concession in question; that is to say, a concession of 10,000 arpents of land, as a reward for services of *the peculiar character of those alleged by Souldard as the basis of his title.*

As preparatory to that exposition of the opinion which relates to this inquiry, and which is indispensably necessary to the understanding of the impeachment, this respondent annexes hereto, as part of his answer, the printed brief prepared for the Supreme Court of the United States on the trial of the appeal in Souldard's case, which he understands and believes was admitted by the counsel for the appellant to give a full view of that case as it stood on the appeal record, to which printed brief is also appended the opinion of this respondent, as it was published in the Missouri Republican. This exhibit is marked A.

This respondent prays the honorable court to have reference, also, to so much of the two codes to which he has already referred as is believed to affect this investigation, to wit:

1. “Spanish regulations of grants,” extracted from the “Laws of the Indies,” of which a translation will be found in the edition of the “Laws relating to public lands,” printed by order of the House of Representatives in 1828—Appendix, page 966 to 977, inclusive. This reference includes the royal regulation or order of October 15th, 1754, which has been so often mentioned, and which belongs to the 81st article of the Laws of the Indies.

2. To the regulations of O'Reily, Gayoso, and Morales, to be found in the same appendix, from page 978 to 986, inclusive.

On the argument of the cause, the counsel for Souldard's representatives had insisted that the power of the Lieutenant Governor Trudeau to make the concession in question, was to be tested by the first mentioned code, and especially by the royal order of 1754, referred to in the 81st article of the

Recopilacion. The counsel insisted, that, although these laws made prior to the acquisition of Louisiana, yet, that, having been the government of the Indies generally, as soon as Louisiana incorporated with the Spanish dominions, these laws introduced us into the newly acquired territory *proprio vigore*, and governed us of lands therein, as they had before governed those grants in us of the Spanish dominions. They insisted farther, that, if the Indies (including of course the royal order of 1754) did not introduce themselves *proprio vigore* into the newly acquired territory, but some special act of the King or his representative to introduce it had been furnished by the proclamation of Governor O'Reilly he took the possession of Louisiana, by which, it was alleged, he introduced the Laws of the Indies.

These propositions the court could not assent, but held and decided—that the Laws of the Indies did not introduce themselves *proprio* into Louisiana, immediately on the acquisition thereof, but that it left the new sovereign to say by what laws the grants of the royal here should be regulated.

That, although Governor O'Reilly had, by his proclamation, declared that of the Indies to be in force to *some extent*, yet it could not be that he had intended to introduce such parts of that code as regulated grants of land; because he had himself, on the 18th February, introduced a new code, directed to the express purpose of regulating grants of land in Louisiana, which new code was radically and fundamentally different from the "Laws of the Indies," in the very policy on which the two systems were bottomed—the first looking to the raising of a revenue by *the sale*, and the last to the encouragement of population and industry by *a gift* of the lands.

The organization of the officers employed in granting or distributing lands; and,

the details under which titles to lands were, under these different systems, carried into complete grant, from their inception to their consum-

mitting, for the sake of the argument, that the 81st article of the "Laws of the Indies," that is, the royal order of 1754, was in force in Louisiana, it remained for the claimants to show that, by force of that order, the Lieutenant Governor of Upper Louisiana, was authorized to make the concession of *ten thousand arpents* to Soulard, *in reward for the peculiar services* on which that concession was alleged to have been made.

The counsel for the claimant attempted to prove by the following propositions:

That Trudeau was a Subdelegate Judge in Upper Louisiana.

That, as a Subdelegate Judge, he possessed all the power of this order under the royal order of 1754.

That, by this order, Subdelegate Judges were authorized to make grants of lands to *any extent*, and *for any cause*, at pleasure; and, consequently, that he had the power to make the gift in question as a reward for his services.

These propositions, also, the court could not assent:

That, because, if the royal order of 1754 was in force in Louisiana, proceeded from the authority of the King, it could not be changed at the

will of a Governor; and hence, that, to clothe the Su' delegate Judges with the powers conferred by that ordinance, it was essentially necessary, 1. *That they should have been appointed in strict conformity with its provisions, that is to say, that they should have been appointed, as that order had expressly enjoined, by the Viceroy and Presidents of the Royal Audiencias:* 2. *That the appointment should have been reported to the Secretary of State and Universal Despatch of the Indies:* and, 3. *That these subdelegates should have the power of subdelegating their commissions to others in distant parts and provinces of their stations.*

But it was not pretended, 1. That Don Zenon Trudeau had been thus appointed. It was proved, and admitted, that he held his commission as *Lieutenant Governor merely from the Governor General of the province.* The form of that commission (to another Lieutenant Governor) was before the court, and composes a part of the printed brief which has been exhibited with this answer, being the document distinguished by the letter R, (page 297.) It will be observed that this commission appoints him merely as "*Lieutenant Governor of the establishments of Illinois,*" gives him no power as a Subdelegate Judge, and no authority, in any other character, to meddle with the grants of public lands; nor does it contain any specification of his powers, even as Lieutenant Governor: 2. *It was not shown, nor alleged, that there had been any report to the Secretary of State and Universal Despatch of the Indies of the appointment of Trudeau as a Subdelegate Judge, according to the requisition of the royal order of 1754; nor, 3. was it pretended that he had any power to subdelegate his commission to others.*

It was not pretended that Trudeau himself had any written commission as a Subdelegate Judge, even from the Governor General of the province; the claimant relied on parol proof merely, that the Lieutenant Governor was, *ex officio*, a subdelegate.

This striking difference in the mode of appointment and of subdelegation in the power of the Subdelegate Judge, under the order of 1754, and under the practical operation of the land system in Louisiana, was among the auxiliary arguments of the Judge, to show that the order of 1754 was not in force, and was not considered as in force in Louisiana.

But his conclusion was, that, if it was in force, inasmuch as it was the voice of the King, it *must be obeyed; that it was not in the power of the Governor to dispense with any part of its requisitions; that, under that order, no one could exercise the powers of a subdelegate but one who had been appointed and commissioned in compliance with those requisitions; and that, if that order was in force in Louisiana, (which, however, the court had denied,) the Lieutenant Governor of Upper Louisiana was not a subdelegate within the intention of that ordinance, because he had not been appointed in compliance with its requisitions.*

But admitting again, for the sake of the argument, that the powers of the Lieutenant Governor were commensurate with those of a Subdelegate Judge, under the royal order of 1754; had the latter, under the powers conferred upon him by that order, the power to make such a concession as that on which Souldard relied—a concession for ten thousand arpents of land, in reward for services of that specific character?

The counsel for the claimant insisted that he had this power by force of the Spanish word *mercedes*, which is found in the preamble of the ordinance; which word, it was alleged, meant *gifts*, and nothing else but *gifts*; and

standing as it did, without limit, it carried with it the broad power to make gifts at pleasure, and, consequently, the power to make the gift question in reward of services.

To render the opinion of the Judge on this point intelligible, it will be important for this honorable court to observe that the preamble to the royal order of 1754, in which this word *mercedes* is found, is a mere recital of motives which led the King to make that ordinance. After an enumeration of these motives, the preamble concludes with these words: "I have therefore resolved, that, in the (*mercedes*, rendered in the appendix already cited) grants, sales, and compromises of royal cultivated and uncultivated lands, now made, or which shall hereafter be made, the provisions of the regulation, (that is, *this regulation*,) shall be faithfully observed and executed." The order then proceeds, under fourteen distinct and separate orders or articles, to detail minutely all the powers and duties of the seven officers employed in making grants of the royal lands, and, among others, the powers and duties of the Subdelegate Judge; and it concludes with a solemn warning from the King, that all the provisions of that regulation should be strictly and punctually observed by his Viceroy, Audien-tes, Presidents, and Governors, of all his dominions of the Indies, and by Subdelegates and other persons whom its observance concerned, and that it be not violated for any cause or pretext.

Hence it was manifestly necessary to look for the powers of the Subdelegate under that ordinance, not in the general reciting words of the preamble, but in the regulations themselves, in which those powers were specifically detailed and defined. In examining those regulations with this view, it will be observed by this honorable court that their great and sole business is to regulate the sale and composition of the royal lands with a view to revenue. This, indeed, had been announced by the preamble to be the object.

There is only one of those regulations in which a gift of any kind, or for any cause, is contemplated; and that is the second, which, in its close, refers, among others, to laws 14 and 15 of the *Recopilacion*, (on turning to which laws 969-70 of the appendix to the Land Laws,) and reading them in connection with this second regulation, it will be seen that gratuitous reservations are made for pasturage and common to the towns, and for tillage and herding for the aborigines of the country.

And the only regulations of the royal order which contemplate rewards are the seventh and eighth, by which the Subdelegate Judges are authorized to reward those who shall give information of intruders without title on the public lands, with a moderate portion of those lands with regard to which they shall have given information.

With these two specific exceptions, there is not a line nor a word of the royal order of 1754 which contemplates a power in the Subdelegate Judges to make either gift or reward.

The conclusions of the court, therefore, on this question; were, that, even if the powers of the Lieutenant Governor of Upper Louisiana were to be ascribed by those of the Subdelegate Judge, under the royal order of 1754, he possessed no power to make such a concession as this, because the latter officer possessed no such power: that the word *mercedes*, found in the preamble, did not necessarily mean gifts; that it might be translated, as it had been translated, grants; or that it might be rendered rewards; that, either it meant the one or the other, the extent to which the subdelegate

was authorized to make either *grant, reward, or gift*, was to be sought for, not in the *preamble*, which is mere recital, but in the *regulations themselves*; that, by the regulations, sufficient effect was given to the word in either of those senses; if it meant *grant*, it was satisfied by those articles which regulated the grant of lands for sale and composition; if it meant *rewards*, it was satisfied by the 7th and 8th articles, which authorize rewards to those who give information of intruders on the public lands; if it meant *gifts*, it was satisfied by the 2d article, in connexion with laws 14 and 15 of the *Recopilacion*, therein referred to, which authorize gifts to the inhabitants of towns for pasturage and common, and to the Indians for tillage and herding, according to their wants; but in neither of its senses was there any article of the ordinance which authorized a subdelegate to make a *grant, gift, or reward*, like that which was claimed for Soulard, to wit, a concession for *ten thousand arpents of land as a reward for services rendered as Surveyor, as Adjutant, and as privy Counsellor and assistant to the Lieutenant Governor*.

Upon this whole head of argument, therefore, the conclusions of the court were—

1. That the royal ordinance of 1754 was not in force in Louisiana;
2. That if it was, the Lieutenant Governor of Upper Louisiana had not the powers of a subdelegate under that ordinance, because he had not been appointed in conformity with its provisions;
3. That, if he even had these powers, he had no power to make the concession in question, because a subdelegate under that ordinance could not have made *such a concession in reward for such services*.

Since, then, no authority could be derived to Don Zenon Trudeau from "the Laws of the Indies" to make the concession in question, the remaining inquiry was, whether such authority was to be found in the only other remaining code of Spanish law which was before the court, the regulations of O'Reily; and it was admitted on every hand that these gave no such authority: on the contrary, although they did contemplate a *gift of the lands, it was a gift studiously and exclusively directed to the accomplishment of certain political objects, to wit, the speedy settlement of the province, the promotion of its agriculture, and the increase of its herds and stocks*. Hence it authorized no gifts or grants *except with relation to the one or the other of these objects*: if settlement and agriculture were the objects, the quantity of land to be granted was to be regulated by the number of the family and of the working hands of the settler; and settlement and culture are required to be made within a given time, as the conditions of the grant: if pasturage and herding were the objects, the quantity granted was to be regulated by the number and quantity of the stock: but, even in the last case, in which the larger range seems to have been taken by the regulations, *the quantity was in no case to exceed a league square, which is 7,056 arpents*.

But in the case before the court, the concession was for *ten thousand arpents*, and it had no reference to either of the objects which were the *exclusive objects of the regulations, settlement, agriculture, or stock*, but was a *grant in reward for services—a species of grant which had no place, nor even shadow of a type, in any one of those regulations*.

The counsel for the claimants were so well satisfied that the concession could not be supported on the authority of O'Reily's regulations, that their effort was to get rid of them altogether. With this view they contended that those regulations were not made for Upper Louisiana; that, so far as they

contemplated agriculture, they looked merely to small settlements in the best districts of the province, fronting on the Mississippi, as was manifest in their language; and that, so far as they contemplated pasturage and milking, and the raising of stock, they were limited to the grazing districts, which were specifically named in the regulations, to wit, the Opelousas, Attapapas, and Natchitoches.

In answer to this, the court, admitting the force of the argument as far as went, held the opinion, that, although that part of the province, then known by the name of Illinois, afterwards called Upper Louisiana, and now Missouri, was not expressly named in the regulations, yet these were avowedly made for *the whole province*; and the Governors, Judges, Cabildos, and all the inhabitants of the province of Louisiana, were expressly required to conform punctually to those regulations, which of course included Illinois as a part of the province: and farther, that the *policy* of the regulations manifestly extended equally to every part of the province; nor could the court discern, nor was any reason assigned or attempted, why settlement, agriculture, and the raising of stock, should be so studiously contemplated in every other part of the province, and wholly neglected in Illinois; why agricultural settlement and culture should be made indispensable conditions of the rights every where else, and not be required at all in Illinois; nor why the *maximum* grant should be limited to a league square in Opelousas, Attapapas, and Natchitoches, and remain unlimited in Illinois. The court found its policy to be not only the predominant and exclusive object of O'Reily's regulations, which were in force at the date of the alleged concession to the claimant in 1796, but the same policy reigned throughout the regulations of the Spanish Governor Gayoso, which were passed in the following year, 1797; and in which *Illinois is expressly named*, as well as in those of the Spanish Governor Morales, in the year 1799. Now the concession in question was directly at war with the whole of *this policy*; and even if those regulations were wholly set aside as inapplicable to Upper Louisiana, it would still have remained for the claimant to show the authority of Trudeau to issue the concession, and to point the court to the law or ordinance by which it could be confirmed.

In the course of this investigation, it became necessary for the court to revert to the royal order of the 24th of August, 1770, to which a reference is made by Morales in the preamble to his regulations.

This royal order of the 24th August, 1770, was not before the court, nor was any thing then known of its character or contents, except what was collected from the very slight mention of it which had been made by Morales; and all that he says of it is in these words: "The King, whom God preserve, having been pleased to declare and order by his decree, given at Madrid, the 22d October of the last year, 1798, that the intendency of these provinces, to the exclusion of all other authority, be put in possession of the privilege to divide and grant all kind of land belonging to his crown, *which right, after his order of the 24th August, 1770, belonged to the civil and military government,*" &c. Morales then proceeds to say: "After having examined with the greatest attention *the regulation made by his Excellency Count O'Reily, the 18th February, 1770, as well as that circulated by his Excellency the present Governor, Don Manuel Gayoso de Lemos, the 1st January, 1798, and with the counsel which he has given me, &c. &c., I have resolved that the following regulations shall be observed.*"

Thus neither the court nor the bar knew any thing more of this royal order of the 24th August, 1770, than that, after its date, the power to grant the crown lands in Louisiana belonged to the civil and military government. But this was precisely the effect of the regulations of O'Reily; so that, so far as any thing was then known of this royal order, there was no conflict between it and these regulations, and therefore no necessary or implicative repeal of the latter; on the contrary, they were, so far as they were both known, perfectly concordant; and as, after the date of that order, lands continued to be granted in conformity with O'Reily's regulations, the court inferred that there was nothing in that order which had repealed or superseded those regulations.

This respondent will here observe, that, since the decision in Soulard's case, a copy of the royal order of the 24th August, 1770, has been procured, and it is found that the inference drawn by the court from existing appearances was correct; that order being nothing more nor less than a mere simple ratification by the King of the antecedent regulations of O'Reily, of which a copy had been forwarded to Madrid for the royal consideration. Of this order, as well as of the correspondence which produced it, a copy will be herewith exhibited, if it can be procured in time, and marked B.

That which has been stated was, in effect, all that was said by the court in relation to this *then* unknown order of the 24th August, 1770, to wit, that nothing had been shown which presented that order as necessarily in conflict with O'Reily's regulations, and thereby producing either a positive or an implied repeal of them; and that, as lands continued, after the date of the order, to be granted in conformity with O'Reily's regulations, the court was justified in the conclusion that these regulations remained in force, notwithstanding that order.

But if the counsel could have established the proposition that O'Reily's regulations had been, by any cause, superseded or annulled, the counsel for the claimant would have been as far as ever from establishing the authority of Trudeau to issue the concession in question; because it was impossible for the court to adopt the wild conjecture that the unknown order of the 24th August, 1770, contained such authority, and to refer to that in its decree as the basis of a confirmation.

The counsel for the claimant, in farther support of the concession, placed before the court three or four cases of concession, made to others by the Lieutenant Governors of Upper Louisiana, not in conformity with the regulations of O'Reily, Gayoso, or Morales, but which had nevertheless been confirmed by the Governor, and by the Intendant Morales, and relied upon these acts of confirmation by the Governor and Intendant, as furnishing presumptive proof of the power of the Lieutenant Governor to originate concessions, without regard to the limitation imposed by these regulations.

These concessions now form a part of the exhibit A, annexed to this answer. It will be observed that they are all below the quantity of a league square, the *maximum* fixed by the regulations where pasturage and herding was the object; but exceeding 800 arpents, the *apparent maximum* where agriculture was the object. In all other respects they conformed to the policy of the regulations, the grants being confirmed expressly on the conditions of settlement and culture within the time therein limited.

The question before the court was to what extent the irregular concessions thus confirmed established a power in the Lieutenant Governor to originate a *binding concession, without regard to the restrictions and limita-*

posed by the regulations. The court admitted that they did raise *resumption*; but that, no written law or authority being shown for such concessions, it was *but a presumption*, which was to be weighed against the evidence in the cause. In performing this duty, the court had before it, on the one hand, the published regulations, proceeding from the highest authority in the province, which gave no power to issue such concessions; on the other hand, there were three or four such irregular concessions, which nevertheless, been confirmed by that highest authority. The question whether it was most reasonable to refer those *confirmations* to the *of the sovereign authority within the province* to dispense with such regulations in those particular instances, or to refer them to an assumed power in the Lieutenant Governor to issue concessions to any extent for any purpose, which the Governors and Intendants were bound to observe. The latter presumption at once abolished the whole of the published regulations, or reduced them to a dead letter: the former left them in force, but with a dispensing power in the lawgiver to abate their rigor in particular cases. The court, therefore, thought this the most rational presumption; and, in illustration as well as in confirmation of it, the honorable court will observe in the last sentence of the 15th law of the Recopilacion (appendix to the land laws, page 970) a striking instance of the same nature, in which the King of Spain, himself, confirmed concessions, which had been made by public officers who had no authority thereunto.

It is, therefore, the court admitted that a *presumption* in favor of the Lieutenant Governor, to a certain extent, did arise from those regulations, that presumption was believed to be encountered by evidence of a stronger nature, which overthrew it, and forbade the conclusion that the Lieutenant Governor possessed the unlimited power to *bind his superiors* by his confirmation, which was attempted to be derived from it.

In the course of the argument, it was suggested by the counsel of the plaintiffs, as highly probable, that we were not in possession of all the laws and ordinances which bore on the grant of lands in Louisiana, but that there possibly others besides those of O'Reilly, Gayoso, and Morales, which, if they could be commanded, would show that the concession in question was not legally issued by the proper authority. To this the court answered, that if there had been any others, they must be believed to have been known to the Intendant Morales; and that, if they had existed, they would have found a place in the recital of the acts of his predecessors, contained in the preamble to his own regulations; but that, having recited only those of O'Reilly and Gayoso, the presumption was a fair one, that they were all that had existed; in addition to which, no witness had been able to speak of such regulations.

It is again: The court was required by the act of Congress to refer in its decision to the law or ordinance on which it founded its confirmation; and it is the duty of the court to satisfy this requirement of the act, the law or ordinance must be *shown*, and not *conjecturally guessed at*. If Congress had intended that the acts of the Lieutenant Governor should of themselves be evidence of his authority, that enlightened body would never have referred the matter upon the court, in terms so clear, distinct, and repeated, the duty of the court being to enquire whether the concession, &c., was *legally made by the proper authority*, and have required the court, also, to refer in its decree to the specific law or ordinance under which the confirmation was made.

It was further urged by the same counsel, that, although neither the royal order of 1754, nor the regulations of O'Reily, Gayoso, or Morales, expressly authorized such a concession, yet, that neither of them *prohibited it*, and that hence the authority must be believed to have been regularly exercised. To which the court answered, in effect, that the question was not what these laws or ordinances *prohibited*, but what they *authorized*. That the claimant, coming before the court for confirmation, was bound to show *affirmatively*, by some law or ordinance, that the concession on which he relied was *legally made* by a person *duty authorized* to make it; that he was therefore bound to point the court to the *law or ordinance* which gave the *authority* in question; that to show that these laws did not expressly *prohibit it*, did not by any means prove that they *authorized* it; that the opposite argument was founded on the erroneous postulate that all power existed which was not prohibited, whereas, in truth, no power existed but such as could be shown to have been granted.

There was another view of this subject, which this respondent, in the discharge of his official duty, considered himself bound to take. In describing the claims which were to be submitted to the court for its decision, the act of Congress gives, among others, this feature—all such as “might have been perfected into a complete title, under and in conformity to the laws, usages, and customs, of the Government under which the same originated.”

The concession on which Soulard relied was alleged to have been made by Trudeau in April, 1796. From that time until the cession of the province to the United States, he had not taken a single step towards the completion of his title. So far from having settled, planted, or cultivated the lands, he had not even located or surveyed them until February, 1804. In the mean time, the Spanish Governor Gayoso, by his regulations, in 1797, and the Intendant Morales, in 1799, had required all persons to whom lands had been granted to settle and improve them within a limited time, under pain of forfeiture—Gayoso giving one year for that purpose, and Morales three. This requisition Soulard had wholly neglected. His title, therefore, had been subjected to forfeiture, and was in that condition when the sun of the Spanish power had set in Louisiana. Under these circumstances, it was impossible for the court to affirm that this was a concession which might have been perfected into a complete title according to the laws, usages, and customs of the Government under which it originated. It did not at all impugn the soundness of this conclusion, that the laws of Gayoso and Morales, which contained this requisition, were subsequent in point of date to the alleged concession of Trudeau, because they were regular calls on the holders of incomplete titles to comply with the conditions which were requisite to their completion, and had a precedent in point in the Laws of the Indies.

To avoid this conclusion, the counsel for the claimant had argued that the regulations of Morales had never been duly promulgated in Upper Louisiana, and, consequently, that Soulard could not be supposed to have notice of this requisition.

To which the court answered, that such a publication had been proved as must have brought them to the notice of Soulard, who was the surveyor of the upper province. The evidence of this promulgation is in the exhibit A, which is annexed to this answer, by which it appears that the Lieutenant Governor had officially received from Morales six copies of these regulations, at the post of St. Louis, his own place of residence and that of Soulard, who was in his intimacy; that the private Secretary of the Governor had also

sted up another copy in front of the Government house; and, among the affirmed claims presented by the petitioner himself, as evidence of the tutenant Governor's power to issue concessions without limit, there is a vital of the publication of those regulations, as well as an official act of Seud, bearing date in 1802, in which he makes express reference to the 16th article of the intructions of the Intendant, thereby fixing the proof of knowledge on himself.

There is only one other point in the opinion, to which this respondent I here slightly call the attention of this honorable court. The counsel the claimant adverted, in the course of their argument, to that part of the of 26th May, 1824, which requires the court to determine the question title according to the several acts of Congress, &c.; but no act of Congress is pointed out, which seemed to the court to authorize the confirmation of claim then under consideration; and the court accordingly expressed this opinion.

With this outline of the principles established by the opinion, for the fidelity of which he appeals to the opinion itself, this respondent now begs leave to turn the attention of this honorable court to the publication of Luke E. vless, signed "A Citizen," barely requesting this honorable court to be in mind that this latter article appeared in a different newspaper from that in which the opinion had been published—a paper of a different political complexion, supported for the most part by different subscribers, and, consequently, that few if any of the readers of the article signed "A Citizen," could have any knowledge of "the opinion" which it professed to censure, or than that which they derived from the article itself. This honorable court will also be pleased to observe, that this article does not profess to *re-act at all* on the principles maintained by the opinion, but consists entirely of a series of *assumptions* (as the writer styles them) which it imputes to the Judge, and with regard to the most of which (as the writer himself justly deserves) reasoning was not *absolutely necessary*: for, in the terms in which they are imputed, they are such revolting absurdities, that it was impossible to read and to believe them, without presuming the Judge to be either deficient in understanding or destitute of integrity.

The writer begins with a *contemptuous misrepresentation*. At the end of the opinion, this respondent had used the following expression: "The omission of most of the points having proceeded chiefly upon grounds which have been little or not at all examined in the argument, it is deemed proper to remark that *counsel* will not be excluded from again stirring any of the points which have been decided *when they may hereafter arise in any other cause.*"

No man, whether lawyer or not, could have sincerely mistaken the meaning of this permission. But the writer of this article affects to understand it thus: "I observe, that although the Judge *has thought proper* to decide against the claim, he leaves the ground of his decree open for further discussion. *Availing myself, therefore, of this permission,*" &c. Thus leaving readers to believe that the Judge was so profoundly ignorant of what belonged not only to the *dignity*, but even to the *decency* of the judicial character, as to have invited the general discussion of his opinion in the public newspapers, and that the ridiculous view which the writer was about to give of that opinion, was made by the Judge's own permission. The sneer with which this wilful and wanton perversion is introduced—"Although the Judge *has thought proper to decide against the claim*"—and the palpable

and gross nature of the perversion itself, can leave this honorable no doubt of the spirit and intention with which the publication was "Judge Peck," says the writer, "seems to me to have erred in lowing *assumptions*, as well of fact as of doctrine."

The honorable court will be pleased to observe, that, in the opinion of the respondent had *assumed*, as a postulate, no one position, either of doctrine, as the basis of his decision; but that every conclusion on which his opinion rested was bottomed on evidence, or deduced by argument according to the common acceptance of the English language, and that of this article were informed that the Judge had bottomed his decision on the stupid and ridiculous assumptions which were about to be en-

"1. That by the ordinance of 1754, a subdelegate was prohibited from making a grant in consideration of services rendered or to be rendered."

The court will be pleased to observe, that the writer here suppresses an important fact that the Judge had decided the ordinance of 1754 to be in force in Louisiana; and that, consequently, according to his decision, it was immaterial to the land claimants in that province what the effect of the ordinance might be. He also suppresses the reasoning by which the judge had gained his conclusion, and then imputes to him the conclusion, which would have been manifestly false, and which every man of sense of the ordinance would see at once to be false; for the ordinance contained *no such prohibition*, and the Judge had not assumed that it did. On the contrary, he had admitted that it did authorize the subdelegates to make grants in reward of services of a certain description. But he said that the ordinance no where *authorized a subdelegate to make such a grant as that which was in question before the court*—a concession for *sand arpents of land, and for such services as those which were rendered by Soulard*; whereas, the court is here charged with having assumed that the ordinance of 1754 contained a *positive prohibition* on the subdelegates from making grants in reward of any kind of services *rendered or to be rendered*. These last words, so entirely gratuitous, serve to mark the *quo animo* of this misrepresentation, and manifest its materiality, and the effect which it was calculated to produce, and, as the respondent believes, it was intended to produce, in Missouri is proper to state, that, besides Soulard's case, it was well known that there were in Missouri many other unconfirmed concessions by the Governor, *in reward of services rendered or to be rendered*, which were to abide the judgment of the court; and although as yet no Spanish ordinance had been produced, under which they could be confirmed, it was a common impression throughout the country that there did exist, some such law or ordinance, which would yet make it necessary to be in protection of those claims. The royal order of the 24th August had not yet been seen, and sanguine hopes were entertained that, on its production, it would be found to be broad enough to cover all the claims, although the recital of the regulations of O'Reilly and Gayoso, in relation to those of Morales, forbade the conclusion that there was any authority in *the form of regulations*, from which light could be expected. It was hoped and believed that, in some hitherto undiscovered *order or letter* from the King to his Governors, an authority, or some authority, would be found for these concessions, even if the order of August should fail to shield them. One of the causes which can keep alive the hope was, that none of the laws or ordinances

been produced contained any thing like a direct or positive *prohibition* of these concessions. This, having been strongly pressed in the argument of Boulard's case, had been admitted as strongly as any thing can be admitted by implication, that there was no such positive prohibition. But here is this writer charging the court with having assumed the direct reverse. If he had informed his readers that the court had declared the ordinance of 1754 not to be in force in Louisiana, this misrepresentation would have been comparatively harmless. This, however, he keeps out of view. He permits them to believe that the court considered that ordinance as in force in that province, and as containing a prohibition fatal to all these claims; thus holding up the Judge to this numerous body of exasperated land claimants as attempting to apply an extinguisher to their last hope, by drawing from the ordinance of 1754 a prohibition which every boy that could read could see was not there.

"2. That a subdelegate in Louisiana was not a subdelegate as contemplated by the above ordinance."

To the readers of this article, who had never seen the opinion of the Judge, (which was the case with a great mass of its readers,) this charge must have exhibited the Judge in the light of having *assumed* the ridiculous solecism "that a subdelegate was not a subdelegate," since to *such a reader* the additional words, "as contemplated by that ordinance," could have presented no-intelligible qualification of the absurdity. Here again the effect is produced of the suggestion of a falsehood, by the suppression of the truth; for the important truth that the court had held the ordinance of 1754 not to be in force in Louisiana, is suppressed. The important position, that, if that ordinance was then in force, it was necessary that the subdelegate judge should be appointed in conformity with its provisions, was also suppressed. The admission that the Lieutenant Governor had not been thus appointed a subdelegate, was also suppressed; and, finally, the conclusion of the Judge, that, *if that ordinance was then in force*, the Lieutenant Governor, *not having been appointed in conformity with its provisions, was not a subdelegate within its intention*, is distorted into the naked and unexplained absurdity, that a subdelegate in Louisiana was not a subdelegate within the contemplation of that ordinance, although (for aught that appears to the contrary in the charge) he might have been appointed in strict conformity with its requisitions.

"3. That O'Reily's regulations, made in *February, 1770*, can be considered as demonstrative of the extent of the granting power, either of the Governor General or the subdelegates under the royal order of August, 1770."

It will be shown to this honorable court on the trial, that in the original printing of this article, the dates of February and August were *italicised*, for the manifest purpose of directing the attention of the reader more pointedly to the absurdity imputed to the Judge, of *assuming* that O'Reily's regulations of *February* were to be considered as *demonstrative* of the *extent* of the *granting power, either of the Governor General or of the subdelegates, under the subsequent order of the King, of August, 1770.*

This whole charge, as this honorable court cannot but discern, is a gross and wanton perversion of the court's conclusion, and manifestly intended to bring the court into public contempt and ridicule. The court never did commit nor insinuate the absurdity of referring to the *prior regulations* of O'Reily, as being, *in themselves, demonstrative* of the granting power

under the *subsequent royal order of August, 1770*. The court did consider the fact, that, *after the date of the royal order, grants still continued to be made in conformity with the regulations of O'Reily, as justifying the inference that the royal order (the extent of which was admitted to be unknown to all) was not in conflict with these regulations in this particular*. This inference, it must be perceived, was drawn from *matter of fact subsequent to the date of the royal order*, to wit, that the regulations were still permitted to operate *after the date of that order*: whereas the writer, whose obvious and uniform purpose it is to misrepresent and expose the court to contempt and ridicule, perverts *this fair inference of reason into an absurd assumption*, on the part of the Judge, that the *prior regulations of O'Reily, of themselves, demonstrated the whole extent of the subsequent unknown order of the King, with regard to the granting power of the Governor General and subdelegates*.

"4. That the royal order of August, 1770, (as recited or referred to in the preamble to the regulations of Morales of 1799,) related exclusively to the Governor General."

This is another wanton and wilful perversion of the reasoning and conclusion of the court. The court never pretended to indicate the whole extent of the royal order of August, 1770. All that the court said on the subject was a mere paraphrase of what Morales himself had said. The Intendant had declared, in his preamble, that, "after the date of that order, the privilege of dividing and granting all kind of lands belonging to the crown belonged to the civil and military government." The language of the court, as found in the opinion, is this: "We have the testimony of Morales, the Intendant, in the preamble to his regulations, that the power to grant lands belonged to the civil and military government, after the order of the 24th August, 1770: the powers of the civil and military government both centered in the Governor General. To him belonged the power to divide and grant lands in virtue of this order."

Thus Morales had affirmed, *not the whole extent, but one feature of the order of 1770*. The court did nothing more than to echo his language *with regard to this one feature*: and this is perverted by this writer into an assumption, on the part of the court, that the order of 1770 related exclusively to the Governor General.

The mischief of this misrepresentation, in Missouri, cannot be estimated by this honorable court, without a distinct knowledge of the fact, that, with but one or two exceptions, the unconfirmed claims had originated with the Lieutenant Governor. The charge, therefore, that the court had decided that this order related exclusively to the Governor General, and contained no communication of power to the Lieutenant Governor, from whom the unconfirmed claims emanated, presented to the minds of the numerous body of land claimants a decision which went to the root of all their claims. Ignorant as the court, the bar, and the country, then were of the extent of this order, it would have been most unwarrantable, as well as most offensive, to have *assumed* that it related *exclusively* to the Governor General. It was not necessary to the argument of the court to make this assumption. They did not make it. The counsel, with the opinion before him, must have known that the court did not make it; and yet he charges it to the court in this publication.

"5. That the word "*mercedes*," in the ordinance of 1754, which, in the Spanish language, means "*gifts*," can be narrowed by any thing in

that ordinance, or in any other law, to the idea of a grant to an Indian, or reward to an informer, and much less to a mere sale for money."

If this charge had stood alone, it could have left no doubt of the contemptuous and malevolent purpose of the writer; for it imputes to the court such a *congeries* of most ridiculous absurdities, as could not but have awakened the laughter of the light-hearted, the sorrow of the considerate, and the indignation of the land claimants.

Now, if this honorable court has accompanied this respondent through the foregone delineation of his opinion, they cannot but perceive that the whole of this sneering sarcasm at the Judge is the pure coinage of the author's own brain. For, in the first place, it is not true that the Judge either *assumed* or *admitted* that the word *mercedes*, in the Spanish language, means *only gifts*; on the contrary, the Judge held that it was capable of being translated *grants*, and had, in fact, been so rendered by the translator of the Government.

Thus, the leading proposition with which this charge sets out, to wit, that *mercedes* means *only gifts*, and was so assumed or admitted by the Judge, on the truth of which proposition the whole sarcasm depends, is false in fact.

The farther implication of the charge is, that the ordinance of 1754 conveyed to the subdelegates an *unlimited power to make gifts of lands, to any extent, or for any cause, at pleasure*; and that the Judge, *conceding this*, had, by construction, narrowed down *this unlimited power of making gifts to the idea of a grant to an Indian, or a reward to an informer*, and even to *a mere sale for money*. In all which this honorable court cannot but perceive that there is not one word of truth. For, in the first place, the Judge did not concede, nor is it true in point of fact, that the ordinance does contain any such unlimited power of making gifts; and, consequently, there was no occasion to narrow down this power by construction. In the next place, the Judge never did hold that an unlimited power of making gifts could be narrowed down, by any process of reasoning, to the *idea of a grant to an Indian, a reward to an informer*, and much less to *a mere sale for money*. The Judge made no such absurd and ridiculous transformations of the word *gifts*.

The whole argument of the court on the ordinance of 1754 was perfectly simple and consistent.

The court held, 1. That, for the reasons already stated, that ordinance was not in force in Louisiana. 2. That, if it was in force, the Lieutenant Governor of Upper Louisiana was not a subdelegate within the intentions of that ordinance, because he had not been appointed in conformity with its provisions. 3. That, if the ordinance was in force, and Trudeauau was a subdelegate within its intention, still, that, as a subdelegate under that ordinance, he had no power to make the concession in question, because *the whole powers* of the subdelegate were minutely and specifically detailed by the several articles of that ordinance, and that, in following out these details, through the entire ordinance, it was seen that the duties of a subdelegate were, not by *construction*, but by *the express terms* of the ordinance itself, confined to the following heads:

First, and chiefly, to making sales and compositions of the royal lands, with a view to revenue.

Secondly. That there was no one article of the ordinance which contemplated a *free gift* in any case whatever, except the second article, which au-

thorized gifts to the inhabitants of towns for pasturage and commons according to their wants, and gifts to the native Indians, which might be necessary for tillage and herding.

Thirdly. That there were no articles of the ordinance which contemplated grants of land as rewards for services, saving the 7th and 8th, which authorized the subdelegates to reward those who might give information of intruders on the public lands with a moderate portion of the lands in relation to which such information might be given; but that there was no article of the ordinance which authorized a subdelegate to make such a concession as that on which Souldard relied.

These powers of the subdelegate, thus deduced by the Judge from a careful examination of the several articles themselves, are alleged by the charge to have been drawn from the word *mercedes*, which is alleged to mean gifts; and the court is accused of having arrived at their conclusion by torturing the word *gifts* from its natural sense, and making a gift to mean, first, a grant to an Indian; next, a reward to an informer; and finally, by way of capping the climax of absurdity, to make gift to mean mere sale for money. "The gifts to the inhabitants of towns for pasturage and commons, according to their wants," was struck from the catalogue. Why? Because it would weaken the energy of the period by lengthening it, and destroy the poignancy of the ridicule intended to be thrown upon the court by the motley group of *Indians and informers*, whom it exhibited as selected by the court as the only proper objects for the exercise of the royal bounty of Spain.

"6th. That O'Reily's regulations were, in their terms, applicable, or were, in fact, applied to or published in Upper Louisiana."

No one part of this charge is true in the sense in which the writer manifestly intended it to be understood by his readers. The court never did assume or contend that these regulations were, by their terms, extended specifically to Upper Louisiana. With regard to their having even been in fact applied to, or actually published in, Upper Louisiana, there was not a word of controversy at the bar, nor is there a word said upon either of these propositions by the court. The court did say that O'Reily himself had declared these regulations to be published for the government of the grants of land in the province of Louisiana; that is to say, in the whole province, because he himself had made no exception of any part of it. And the court did farther say that the policy of the regulations applied as well to one part of the province as another. Had these propositions been stated as they were laid down by the court, the writer would have found something more necessary to convict the court of error, besides the mere statement. But having informed his readers that he should confine himself to an enumeration of the Judge's errors, "without entering into any demonstration or developed reasoning on the subject, which he adds (and truly) was not, as regards most of the points, absolutely necessary, his only study seems to have been, so to shape his charges as that the absurdity imputed to the Judge should be self-evident, without any solicitude for the candor or truth of the imputation.

"7. That the regulations of O'Reily have any bearing on the grant to Antoine Souldard, or that such a grant was contemplated by them."

This is another misrepresentation of the same character with the last, intended to mislead the reader to the prejudice of the court. The Judge never did assume that the regulations of O'Reily had any bearing on the spe-

the grant to Antoine Soulard; and so far from saying that such a grant was contemplated by them, the court decided the exact reverse, to wit, that no such grant was ever contemplated by them.

“8. That the limitation to a square league, of grants to new settlers in Opelousas, Attakapas, and Natchitoches, (in 8th article of O'Reily's regulations,) prohibits a larger grant in Upper Louisiana.”

This is another gross perversion of the reasoning and conclusion of the court. The Judge made no such assumption, and maintained no such proposition. His reasoning and conclusion were these: O'Reily himself declares his regulations to have been intended for the province of Louisiana at large. Their policy is the encouragement of population, settlement, agriculture, and stock in that province. This policy applies with equal force to the whole province. The court, therefore, can see no reason why grants should be made with regard to the means of the settler, and on the express conditions of settlement and culture in one part of the province more than in another; nor why grants should be limited to a league square in Opelousas, Attakapas, and Natchitoches, and be unlimited in Upper Louisiana. This conclusion, founded on the general policy of the regulations, as being equally applicable to every part of the province, is here converted into an isolated assumption, on the part of the Judge, that the mere limitation to a league square in Opelousas, Attakapas, and Natchitoches did, *per se*, prohibit a larger grant in Upper Louisiana.

“9. That the regulations of the Governor General Gayoso, dated 9th September, 1797, entitled “Instructions to be observed for the admission of new settlers,” prohibit in future a grant for services, or have the effect of annulling that to Antoine Soulard, which was made in 1796, and not located or surveyed until February, 1804.”

The implication here is, that, prior to Gayoso's regulations, there had been a law by which concessions of the character of that of Soulard had been authorized, that being a grant to an old settler in reward of public services; and that, with this fact before him, the Judge had assumed that these regulations of Gayoso, entitled “Instructions for the admission of new settlers,” and consequently confined merely to the case of the admission of new settlers, had the effect of prohibiting a grant for services to an old settler. And by way of making the ridicule still more striking, the court is here represented as separating the regulations of Gayoso from its natural relation with those of O'Reily and Morales, for the purpose of producing this absurd effect.

Now, in answer to this branch of the charge, the Judge is constrained to say that not one word of it is true. There was no such previous law, nor did the Judge attribute any such prohibition to the regulations of Gayoso. All that the court said upon the subject was, that the three sets of regulations, those of O'Reily in 1770, of Gayoso in 1797, and of Morales in 1799, evinced a settled and continuing policy, which was at war with the belief that any authority existed in the Lieutenant Governor of the province to make such concessions as those of Soulard.

The second branch of the charge is still more gross. The Judge is represented as assuming that the regulations of Gayoso, in 1797, annulled the prior grant to Soulard, which was made in 1796. But he made no such assumption. He assigned no retroactive effect to those regulations. The character he assigned to them was purely prospective.

This honorable court will be pleased to observe, that the King of Spain, by one of the laws in the *Recopilacion*, (law, 11 page 969, Land Law) had required all persons to whom lands had been distributed, to take possession within three months, on pain of forfeiture. Gayoso and Morales pursued the example of their sovereign, made similar regulations in Louisiana. The 14th of Gayoso required all to whom lands had been granted to take possession within one year, and to make a specified progress in cultivation in three years, on pain of forfeiture. The 4th of Morales is of the same character. Soulard had disobeyed them both. The conclusion of the court, therefore, was, that his title had been forfeited by this disobedience subsequent to the law. The court assigned no retroactive effect to these regulations, but considered them as purely prospective; whereas the assumption imputed to the court is, that these regulations were applied backwards at the grant, and annulled it in its origin, although, according to the implication, it proceeded originally from a competent authority.

“10. That the complete titles made by Gayoso are not to be referred to as affording the construction made by Gayoso himself of his own titles.”

“13. That the complete titles (produced to the court) made by the Lieutenant Governor General, or the Intendant General, though based on incomplete titles, not conformable to the regulations of O'Reilly, Gayoso, or Morales, no inference in favor of the power of the Lieutenant Governor, from these incomplete titles emanated, and must be considered as anomalous exercises of power in favor of individual grantees.”

“14. That the language of Morales himself, in the complete titles made by him, on concessions made by the Lieutenant Governor of Upper Louisiana, anterior to the date of his regulations, ought not to be referred to in establishing the construction which he, Morales, put on his own regulations.”

These charges are all presented together, because they are of the same character, involve the same principle, and require the same answer. They are not true. So far from it, they are diametrically opposed, in point of fact and doctrine, to the grounds really assumed and maintained in the court. The representation becomes the more extraordinary, because the fact which must have been known to the author, that the evidence to which he alludes, in the 15th charge, was objected to by the District Attorney of the United States as inadmissible; that the court did admit it on the ground that it raised a presumption in favor of the power of the Lieutenant Governor to make the grant in question; that the District Attorney excepted to the opinions of the court; and that the bill of exceptions contains a part of the record in the case of Soulard before the Supreme Court may be seen by referring to exhibit A, pages 294 and 295.

The court not only admitted all the evidence alluded to in these charges, but also admitted, in the most distinct terms, that they did not raise an inference, that they did raise a presumption, and were to be regarded as a proof of the existence of a power in the Lieutenant Governor to make a concession on which Soulard relied; and yet precisely the reverse of that which is imputed to the Judge in these charges, for which there is the slightest color in the opinion. The Judge admitted this evidence only in the light, and to the fullest extent to which it was offered; for it was offered and could be offered only as presumptive proof, and in that case it was admitted.

Having received it as presumptive proof—having admitted that it did raise the presumption that it was claimed for it—it became the duty of the Judge to weigh this presumption against the other evidence in the cause. That process was performed, and the conclusion of the Judge was, that the presumption admitted to have been raised by this evidence was overborne by the opposing proof; and, because the Judge was constrained, in the conscientious discharge of his duty, to come to this conclusion, he is accused by this author of having assumed that the testimony in question *afforded no inference, raised no presumption, and was not to be referred to*, in favor of the power claimed for the Lieutenant Governor.

The assumption imputed to the Judge in the close of the 13th charge, that the confirmation of these irregular concessions must be considered as *anomalous exercises* of power in favor of individual grantees, is not correct; for the court considered that confirmation as the *legitimate exercise* of the sovereign power of the Governor General and the Intendant, and as *demonstrative of this power*, not of the originating power of the Lieutenant Governor, which has been already explained in the foregoing delineation of the opinion.

“11. That, although the regulations of Morales were not promulgated as law in Upper Louisiana, the grantee in the principal case was bound by these, in as much as he had notice, or must be presumed, from the official station which he held, “to have had notice, of their terms.”

Here is another gross and palpable misrepresentation. Soulard resided at St. Louis, the capital of Upper Louisiana, and was the official Surveyor of that part of the province; and the court is charged with assuming *that, although it was in proof that the regulations of Morales had not been promulgated in Upper Louisiana*, still that Soulard was bound by them, *because he had notice, or must be presumed from his office to have had notice*. The court made no such assumption. The principal fact on which the charge is founded is false. *The regulations of Morales had been promulgated in Upper Louisiana*. It was not questioned in the argument at the bar that they had been promulgated there. The only question raised, was, whether the promulgation had been sufficient. The court was of opinion that it had been sufficient, because the Governor had received at least six copies of them from Morales himself, and because his Secretary proved *that he had posted up another copy in front of the Government house*, and because Soulard had proved notice on himself, by having referred, *in one of his official returns, in 1802*, to the 16th article of these regulations, which he stated had been complied with in that particular case; and further, because their publication was recited in the grant offered by the petitioner, as before mentioned; and their recognition as law by the Lieutenant Governor, in one of his official acts, formed a part of the evidence in the cause, as will be seen by the exhibit already made.

“12. That the regulations of Morales exclude all belief that any law existed, under which a confirmation of the title in question could have been claimed.”

This is another instance of the suggestion of a falsehood arising from the suppression of truth. It is only by the unfair process of detaching a single sentence of the opinion from its context, that even a color can be gained, to give countenance to this charge. This honorable court will observe that one question in Soulard's case was, whether there might not have been some law or ordinance, of intermediate date, between the regulations of O'Reilly

in 1770, and Soulard's grant in 1796. On this subject, the language of the court is: "The regulations which we have do not permit us to say that there existed others. Morales, in *the preamble* to those made mentions those of O'Reily and of Gayoso in a manner which implies that these were all of which he had any knowledge, and shows that he was making regulations which were to offer the only means by which lands could be obtained. His language is: 'That all persons who wish to obtain lands may know in what manner they ought to ask for them, and on what conditions lands can be granted or sold; that those who are in possession, and who have the necessary titles, may know the steps they ought to take to complete the adjustment; that the commandants, as subdelegates of the Intendancy, informed of what they ought to observe,' &c. This preamble excludes the presumption that other laws existed by which titles could be obtained. The regulations themselves exclude all belief that any law existed under which a confirmation of the title in question could have been claimed." The last member of the sentence has immediate reference to the discussion which had just been closed in the preceding part of the opinion; and, by what was shown that Soulard had forfeited his title by refusing to complete the condition of settlement and cultivation exacted by Morales and Gayoso. This illustration is entirely suppressed by the writer. He separates the strict terms of the last member of the last sentence, and, separated from its explanatory matter, exhibits the court as assuming that Morales's regulations *per se* (and unconnected with the forfeiture which Soulard incurred from a non-compliance with them,) excluded all belief of the existence of any law under which a confirmation of this title could have been claimed from Spain.

"15. That the uniform practice of the subdelegates or Lieutenant-governors of Upper Louisiana, from the first establishment of the province on the 10th March, 1804, is to be disregarded as a proof of law, or custom therein."

"16. That the historical fact, that *nineteen-twentieths* of the titles to lands in Upper Louisiana were not only incomplete, but not conformable to the regulations of O'Reily, Gayoso, or Morales, at the date of their acquisition to the United States, affords no inference in favor of the general legitimacy of those titles."

"17. That the fact, that incomplete concessions, whether floating or vested, were, previous to the cession, treated and considered by the Government and population of Louisiana as property, saleable, transferable, and the subject of inheritance and distribution *ab intestato*, furnishes no inference in favor of these titles, or to their claim to the protection of the treaty, or of the law of nations."

These three charges are thrown together, because they are of the same character, and must receive the same answer. They are charged *sumptions made by this respondent in his opinion. There are no assumptions there, nor one word in the opinion to countenance imputation.*

The uniform practice alleged in the 15th charge was not in proof, therefore that proof could not be disregarded.

The historical fact alleged in the 16th charge was not in proof, and therefore the court could not and did not say what inference it would have drawn if it had been in proof.

The fact alleged in the 17th charge was not in proof, and therefore the court did not and could not say what inference it would have afforded if it had been in proof.

The cases severally made by these three charges, as well as the assumptions imputed by them to the court, are from the mint of the writer's own imagination. Yet are they gravely published to the world as facts, and they are manifestly of a character to expose the court, not only to contempt, but to indignation.

Whether the claimant and his counsel had it in their power to have made good these supposititious cases by proof, and what would have been the legal effect if such proof had been offered to the court, it is needless here to inquire. It is enough to say that no such facts were proved; for the truth of which assertion, this respondent refers to the exhibit A: and that no such assumptions were made by the judge; for the truth of which, he refers to the opinion, forming part of the same exhibit.

“18. That the laws of Congress heretofore passed in favor of incomplete titles furnish no argument or protecting principle in favor of those titles of a precisely similar character, which remain unconfirmed.”

The Judge made no such assumption. It would have been a gross violation of his duty if he had done so, and would justly have exposed him to the contempt and indignation of his country. He appeals to the opinion itself for a refutation of this charge. All that he says upon the subject is, that there was certainly no act of Congress which would authorize the confirmation of the claim, or of any part of it; whereas the charge exhibits the Judge as assuming that, although acts of Congress had been placed before him, which, by their principles, called for a confirmation of the claim, yet that he would disregard them, and refuse the confirmation.

The writer having thus finished his enumeration of what he is pleased to call the *assumptions* of the Judge, proceeds to say: “In addition to the above, a number of other errors, consequential upon those indicated, might be stated.” This is true; for, as he had not been at all governed by the opinion of the court in the fabrication of these charges, their number depended entirely on the fertility of his own invention. He proceeds—“The Judge's doctrine as to the forfeiture which he contends was inflicted by Morales's regulations, seems to me to be peculiarly pregnant with grievous consequences.” And yet these grievous consequences were merely the same which had been announced by the King of Spain himself, in the 11th law of the Recopilacion, to which a reference has been already made, and by the parallel regulation of Gayoso, in 1797.

Such is the *farrago* of folly and absurdity which this writer has been able to extract from the case, and which, in his published article, he has imputed to the Judge, as *assumptions made by him in the course of his opinion*. That a man of sufficient discrimination to be placed as leading counsel in the management of cases of so much importance, could have accumulated such a mass of misrepresentation through innocent mistake, was, and still is, in the opinion of this respondent, utterly incredible. He did, and does still, consider it to have been wanton, wilful, and done *malo animo*. Why was the publication made? To enlighten the public by a rational discussion of an important subject? But there is no discussion, nor even the pretence of discussion; there is nothing but naked, sheer misrepresentation from beginning to end. And although there is no discussion of the grounds of the decision assumed by the court in Soulard's case, but, on the contrary,

a total suppression of those grounds, the publication embodies the evidence and arguments upon which the validity of the claims was mainly to be supported, and represents the court to have disregarded that evidence, and have overruled those arguments; thus inculcating the merits of the claims, and leaving the inference necessarily and forcibly to be drawn by the press and the claimants, that those merits would be, as they had been in the case of Soulard, disregarded by the court, should the decision in that case be persevered in. The effect to be expected from such a publication was manifest; and, both in law and morals, every man is presumed to intend the natural consequences of his own actions. It cannot but be perceived by this honorable court, that the direct and inevitable tendency of such a publication was to bring this court into open contempt and scandal, to inflame the resentment of the very numerous and powerful body of land claimants in Missouri, together with that of their adherents and connexions, and thus to array against the Judge a power which might overawe and control him in the decision of the pending cases, or render him perfectly odious if he should dare to follow up in these cases the principles which he had laid down in Soulard's; to render the decisions of the court so despicable among the people, as to destroy all the weight, authority, and even utility of the tribunal; to beget in the public mind such an undue sympathy and prejudice in favor of these claimants and their claims, as to unfit that public for the performance of the office of jurors in the trial of issues of fact; and, if a jury should be drawn for this purpose, to bring them into the jury box with such a load of preconceived prejudice against the Judge, as to indispose them to receive with respect any instruction, even on points of law, which might be given from the bench; in short, to erect a trophy for these land claimants, their counsel and their claims, on the ruins of the court itself.

And this respondent, farther answering, says, that, considering the said publication to be a contempt of the court, and punishable by the summary process of attachment, it is true that he did make a rule, on the said Luke E. Lawless, who had been proved to be the author, to show cause why an attachment should not be awarded against him, and why he should not be suspended from practice as an attorney and counsellor in that court? That he did appear on the return of the rule, and did attempt to show cause, by himself and his counsel, insisting that the publication was no contempt, but a correct representation of the opinion of the court; that, in making that publication, he was exercising the rights of an American citizen; and that, to punish it by attachment would be at once an invasion of the liberty of the press, and of the right of trial by jury. The cause thus shown not being satisfactory to the court, but the court on the contrary holding and pronouncing the publication to be a gross misrepresentation and a contempt, and, according to the settled authority of the law, punishable by attachment, the attachment was accordingly issued, and the said Luke E. Lawless was brought before the court thereupon; that, being thus before the court, the privilege was tendered to him of purging himself of the contempt, if he thought proper to do so; and with this view he was asked by this respondent whether he chose to have interrogatories exhibited, or whether, if exhibited, he would answer them? In reply to which he said, that he did not wish interrogatories; that he would not answer them if they should be filed, and that, as he had committed no contempt, he would purge himself of none. And, farther, in open defiance and contempt of the opinion which had been solemnly pronounced by the court, and to the evil example of the bystand-

and of all others who should have business to do in the court, he read in open court a paper in which the *truth* of the publication signed "A Citizen" was re-asserted. And it is true that this respondent, considering his conduct of the said Luke E. Lawless, and his refusal to purge himself of the contempt, as a contumacious persistence therein, and an aggravation of the first contempt, did proceed to pass sentence that the said Luke E. Lawless should be imprisoned for twenty-four hours, and that he should be suspended from practising as an attorney and counsellor in that court for eighteen months.

In all which actions and doings of this respondent in the premises, he avers that he was supported and justified by the Constitution and laws of the land, and that he will be prepared to make good this averment at such time as this honorable court shall appoint.

And, solemnly denying the intention charged to him by the article of impeachment, "wrongfully and unjustly to oppress, imprison, and otherwise injure, the said Luke E. Lawless, under color of law," and asserting, in the presence of the Supreme Searcher of Hearts, that, in all that he did in the premises, he was actuated by the purest sense of what he deemed a high official duty, and was, as he believed, and still confidently believes, well warranted and supported in every step by the Constitution and laws of the land, this respondent, for plea to the said article of impeachment, saith, that he is not guilty of any high misdemeanor, as in and by the said article is alleged, and this he prays may be inquired of by this honorable court, in such manner as law and justice shall seem to them to require.

JAMES H. PECK.

Exhibit A, referred to by James H. Peck, in his answer to the article of impeachment preferred against him by the Honorable the House of Representatives of the United States.

IN THE SUPREME COURT OF THE UNITED STATES.

JULIE SOULARD, widow,
JAMES G. SOULARD, and
others, heirs and legal
representatives of AN-
TOINE SOULARD, de-
ceased,

} Appeal from Missouri.

vs.

THE UNITED STATES.

On the 22d August, 1824, Antoine Soulard filed in the district court of Missouri, under the authority of the act of 26th May, 1824, a petition claiming 10,000 arpents of land under a Spanish concession. The District Attorney demurred to the petition, and the petitioner had leave to amend; whereupon, at the following November session of the court, he filed a petition as follows:

"To the Judge of the district court of the United States for the State of Missouri, respectfully sheweth, your petitioner, Antoine Soulard, of the county of St. Louis, and State of Missouri, that some time in the month of April, one thousand seven hundred and ninety-six, your petitioner, being then a resident of the province of Upper Louisiana, and Surveyor General of the same under the Spanish Government, presented his petition to the

then Lieutenant Governor of said province; Don Zenon Trudeau, praying that a tract of land, of ten thousand arpents, French measure, to be located on any vacant part of the royal domain, might be granted to your petitioner and his heirs for ever. That, in compliance with the prayer of said petition, and in order to remunerate your petitioner for services rendered to the Spanish Government, the said Don Zenon Trudeau did, by virtue of the powers vested in him as Lieutenant Governor aforesaid, on the twentieth day of April, in the year one thousand seven hundred and ninety-six aforesaid, grant to your petitioner and his heirs, for ever, ten thousand arpents of land, and by said decree of concession did order the said quantity of land to be located and surveyed on any vacant part of the royal domain in said province, at the choice of your petitioner. That said quantity of ten thousand arpents was afterwards, on the twentieth day of February, one thousand eight hundred and four, by virtue of said decree, surveyed and located by the Deputy Surveyor, Don Santiago Rankin, thereto duly authorized, on a vacant part of the public land, situate about fifteen miles west of the Mississippi river, and seventy miles north of the town of St. Louis, in the county aforesaid, on a branch of the river Cuivre, and which said tract is situated and bounded as follows: commencing at a point in the northeast quarter of section number twenty-five, in township number fifty-one north of range number three west, runs thence north sixty-eight east, three hundred and seventeen chains and eight links, to a point in the northeast quarter of section number fourteen, in township number fifty-one north of range number two west; thence north twenty-two west, two hundred and fourteen chains and sixteen links, to a point on the southeast quarter of section number thirty-four, in township number fifty-two north of range number two west; thence south, sixty-eight west, three hundred and seventeen chains and eight links, to a point in the southeast quarter of section number eleven, in township number fifty-one north of range number three west; thence south twenty-two east two hundred and fourteen chains and sixteen links, to the place of beginning; all which will appear by reference to the general plat of survey, upon which said tract is laid down, according to the law in such case made and provided. Your petitioner further shows, that a certificate of said survey and location was in due form made and signed by your petitioner as Surveyor General of said province, in pursuance of the report thereof made to him by the said Deputy Surveyor, Santiago Rankin, which said certificate was made and bore date on the eight day of March, one thousand eight hundred and four; and that an entry of said survey and certificate was made by your petitioner, in his capacity of surveyor aforesaid, in the book of record kept by your petitioner or by his deputies in said province, as will more fully appear by said book of record, page four hundred and sixty-five, now in the office of the principal surveyor of this district. Your petitioner further showeth, that, some time after the date of said survey, certificate, and entry, and before the time when claims to land should have been filed, pursuant to the law of Congress of the second of March, eighteen hundred and five, through mistake said decree of concession and certificate of survey, together with other papers belonging to your petitioner, were thrown into the fire and destroyed. That, in consequence of the destruction of said concession and certificate, your petitioner, under an erroneous impression, considered that he was excluded from the benefit of the act of Congress passed for the relief of land claimants, and omitted to file any notice of his claim under said decree of concession and survey, and has thereby been deprived of the benefit of the laws hereto-

be passed by Congress. That your petitioner, after a lapse of several years, was informed by counsel, whom he consulted, that the loss of the said payments did not deprive him of any right which they originally vested in him. That therefore your petitioner, on the twenty-seventh day of February, one thousand eight hundred and eighteen, presented his petition to the Congress of the United States, setting forth the above facts, and praying for confirmation of his said title. That said petition was referred to the Committee of Private Land Claims, but was not specially reported on, in as much as there was a general law reported by said committee for the relief of land claimants in the State of Missouri, which would embrace your petitioner's case. Your petitioner shows that, in consequence of your petitioner's said claim not having been laid down in due time on the general plat, or reserved for sale in the land office of the United States, the quantity of one thousand nine hundred and forty seven acres and thirty-five hundredths has been definitively sold by the United States to the following persons, and in the following quantities, to wit: southwest quarter of section four, in township fifty-one of range two west, containing one hundred and sixty acres, to John McCoy; east half of southeast quarter of section five, in township fifty-one of range two west, containing eighty acres, to John McCoy; part of northwest quarter of section seven, in township fifty-one of range two west, containing one hundred and forty-five acres, to Meredith Cox; southwest quarter of section seven, in township fifty-one of range two west, containing one hundred and thirty four acres fifteen hundredths, to Samuel Denny; southeast quarter of section seven, in township fifty-one of range two west, containing one hundred and sixty acres, to Meredith Cox; west half of northeast quarter of section eight, township fifty-one of range two west, containing eighty acres, to Hugh Barnett; east half of southwest of section nine, in township fifty-one of range two west, containing one hundred and sixty acres, to James Wells; northeast quarter of section eighteen, in township fifty-one of range two west, containing one hundred and sixty acres, to Quintin Moore; northwest quarter of section seventeen, in township fifty-one of range two west, containing one hundred and sixty acres, to Hugh Barnett; southeast quarter of section seventeen, in township fifty-one of range two west, containing one hundred and sixty acres, to J. Lewis and J. Watts—

part of N. E. qr. 12, T. 51, R. 3	} 300 acres	} to William Elgin.	
part of S. W. qr. 12, " " " "			James Lewis.
part of S. E. qr. 12, " " " "			William Elgin.

part of east half of southwest quarter of section thirteen, in township fifty-one, range three, containing sixty-eight acres, to George Seely—all which will appear by reference to the general plat aforesaid, and to the book in the office of the Register of the land office in the district of St. Louis. Your petitioner further sheweth, that no other part or parcel of said tract of ten thousand arpents, as herein before described, is possessed or claimed by any person adverse to the claim or title of your petitioner, and that the residue of said tract is now reserved from public sale until a final decision shall be made on your petitioner's claim by the proper tribunal. Wherefore your petitioner prays that the validity of his said claim may be inquired into and decided by this honorable court; and that, in as much as the same might have been perfected into a complete title under and in conformity to the laws,

usages, and customs of the Government under which the same original had not the sovereignty of the country been transferred to the United States, your petitioner prays that his claim and title be confirmed to all that part of the herein before described tract of ten thousand arpents which has not been sold as aforesaid by the United States, and that your petitioner be authorized by the decree of this court to enter, in any land office in the State of Missouri, the quantity of nineteen hundred and forty-seven acres and thirty-five hundredths, being the quantity disposed of by the United States, after the same shall have been offered at public sale according to the act of Congress in such case made and provided; and your petitioner prays that a citation be directed to the District Attorney of the United States, requiring him, on a day certain, to appear and show cause, if any he can, against the relief prayed for by your petitioner. And your petitioner will pray, &c.

ANTOINE SOULARD.

And in support of his petition he filed the following affidavit:

“Antoine Soulard maketh oath and saith, that, in consequence of a petition presented by this deponent to Don Zenon Trudeau, Lieutenant Governor of Upper Louisiana for his Majesty the King of Spain, he, the said Don Zenon Trudeau, did, on the twentieth day of April, in the year one thousand seven hundred and ninety-six, at St. Louis, in the said province of Upper Louisiana, execute and make a grant or decree of concession and survey of 10,000 *acres* of land, to be located by this deponent, his heirs, or assigns, on any vacant place or part of the royal domain in Upper Louisiana, to said deponent, his heirs or assigns, which said concession or decree was made, or expressed to be made, in compensation of services rendered by this deponent to the Spanish Government, and also to aid the establishment of this deponent as a recently married man, and head of a family, in said province; and this deponent further saith, that said concession was made in due form, as required by the then existing law and usage of said province and government; and this deponent saith, that said land or tract of ten thousand arpents was surveyed and located by the Lieutenant or Deputy Surveyor, Don Santiago Rankin, duly thereto authorized, on a branch of the river Cuivre, on vacant land belonging to the royal domain, which said survey was so executed in pursuance and by virtue of said concession and order of survey, and a certificate of said survey, in due form, made and signed by this deponent, in pursuance of the report made to him, as Surveyor General of said province, by his said deputy, Santiago Rankin, which said certificate was made and bore date on the 8th day of March, 1804; and this deponent further saith, that an entry of said survey was made by this deponent in the usual form upon the book of record kept by this deponent, as Surveyor General aforesaid, of the surveys executed by this deponent or his deputies in said province, as will more fully appear by said book of record, now in the office, as this deponent believes, of the principal Surveyor of this district; to which book of record this deponent refers. And this deponent saith, that, some time after the date of said survey, and before the time when claims to land should have been filed by virtue of the law of Congress of the 2d of March, 1805, this deponent, through error, committed said original decree of concession and petition, and said certificate of survey, so made by this deponent, to the flames, and thereby destroyed the same, with a number of other papers belonging to this deponent, among which said concession and certificate were included; and this deponent saith, that said concession and certifi-

cate, so destroyed, are the same mentioned and set forth in this deponent's petition to the honorable district court, and which concession and title he therein prays may be confirmed to him and his heirs, as therein set forth. And further this deponent saith not.

“ANT. SOULARD.

“Sworn to in open court.

“JAMES H. PECK, *Judge.*”

Antoine Soulard, the petitioner, having died, the cause was revived by his widow and children, the present appellants.

At March term, 1825, the District Attorney for the United States filed the following answer to the petition:

“The answer of Edward Bates, Attorney of the United States, to the petition of Antoine Soulard, (as the said petition had been amended and revived in the name of the heirs of the said Soulard, who is dead,) praying for a confirmation of a tract of land, containing ten thousand arpents, situate on a branch of the river Cuivre, supposed to have been granted to the said Soulard by the Spanish Government. This respondent, for and in behalf of the United States of America, for answer to the said petition, or to so much thereof as the rights and interests of the United States make it necessary for him to answer, answering, says, that he is wholly ignorant and uninformed of all the matters and things in the said petition contained, and therefore does not admit the same to be true; and he prays the court here, that the said petitioners may be held and required to prove all such facts, matters, and things, the existence whereof is or may be deemed necessary to the confirmation of the said claim. And, moreover, that the said petitioners may be required and compelled to produce and show to court here, the law, usage, or custom, by force and virtue whereof the said claim can or ought to be confirmed. And this respondent, &c.

“E. BATES.”

At the same term the following issue of fact was ordered to be tried by a jury: “Was there such concession made to Antoine Soulard, as in complainants' bill is alleged.” The jury found that “there was a concession as alleged in complainants' bill.”

The cause then came on to be heard, in chief, on the following depositions and documents:

DEPOSITIONS.

Charles Dehault Delassus. He well knew Don Zenon Trudeau, formerly Lieutenant Governor of the late province of Upper Louisiana, whom deponent succeeded in the said Government on the 28th of July, 1799. That all the Lieutenant Governors of Upper Louisiana were, in virtue of their offices as Lieutenant Governors, likewise subdelegate. That the offices of Lieutenant Governor and subdelegate were inseparable. That, when deponent was Commandant at New Madrid, in Upper Louisiana, he wrote to the Baron de Carondelet at New Orleans, the Governor General, desiring to be excused from discharging the duties of subdelegate; and that he received for answer, that, since the commencement of the Spanish Government in Louisiana, the officers appointed by patent by the Governor General (of which witness was one) were at the same time subdelegates and military and political or civil officers; that the officers were inseparable. That

there never was in Upper or Lower Louisiana a commission of subdelegated specifically made to any officer. That the Lieutenant Governor of Louisiana was also subdelegate in virtue of his office as Lieutenant Governor out any other commission. That, in Upper Louisiana, there were patented officers who had the authority of subdelegates, one at St. Louis and one at New Madrid; that the commandants at other posts, as at St. Louis, were called particular commandants. That the functions of subdelegates were the same before as after the appointment of the Intendant at New Orleans, in the relation to the granting of lands, except that the subdelegates on those subjects addressed themselves to the Intendant, after his nomination, instead of the Governor General, as previously they had done. That the practice in Upper Louisiana of the subdelegates, in relation to the granting of lands, was, when a petition was presented to him for the purpose of obtaining a concession, if the subdelegate considered that the petition possessed merits to entitle him to the concession, he granted the same, subject to the confirmation of the Intendant, or, before his time, of the Governor General. That, in making a concession, it was usual, in general, for the subdelegate to make, at the same time, an order of survey, and more particularly since the appointment of Mr. Soulard Surveyor General; but, that the orders of survey were not indispensable. That the grantee, however, (deponent's) opinion, without such order of survey, might proceed to the survey made. That he knows of no objection proceeding from the authorities at New Orleans to the usage or to the power of granting lands by subdelegates. That a petitioner for a concession of lands had a right of appeal from the refusal of the subdelegates to the superior authority at New Orleans. That concessions made by deponent, as Lieutenant Governor, have been confirmed by the superior authority at New Orleans, by both the Governor General and the Intendant; and that in no case within his knowledge has been a less quantity confirmed than that originally granted. That he knows this to be the fact, in relation to the grants made by his predecessor, Monsieur de la Ronde, and Monsieur de la Riviere. That Don Zenon Trudeau is deceased. That he held the commission as Lieutenant Governor from the Baron de Carondelet; that the terms of his commission, as deponent believes, was in terms similar to the one which he himself held, and which he is ready to produce. That, while Lieutenant Governor, he kept no registry of concessions by him made; that he gave no order of survey on a concession to the petitioner; and that thereupon, as he believes, whether before or after the survey he knows not, the surveyor made a note or report of the concession; that matter did not concern deponent as Lieutenant Governor. That there was no mention made of any instructions by him given, of the necessity of the registry of concessions. He knows of the existence of a book called the "*Livre Terrien*;" that, when he was appointed Lieutenant Governor, he believes he saw it. That he made no use of it had not been made use of for some time theretofore. That, as deponent believes, it had not been made use of from the time of the appointment of Mr. Soulard as Surveyor General. That the *Livre Terrien* did not contain any instructions. That, when a concession was made, and order of survey, there was a time limited within which a survey should have been made. That the lands were not reserved from sale by the Spanish Government; that, on the contrary, the Government encouraged the settlement of the country by the opening of lead mines, and the working of lead mines. The object of the Government was to attract population by every means, for the purpose of cultivation, and to encourage the purposes of mining. That he was frequently at St. Louis

the government of Don Zenon Trudeau; that he was intimate with him, and frequently at his house during said time. That, at various times, when witness was at the house of Don Zenon Trudeau, he heard him mention a concession of 10,000 arpents of land, which he, Trudeau, said he had made to Antoine Soulard, the petitioner. That one of the acquirements and talents of Mr. Soulard, at that time, must have been of great service to the Government of Upper Louisiana. That he was, in fact, the right arm of the Government at the time referred to; and that these remarks are true of Mr. Soulard, in reference to the time at which deponent was Lieutenant Governor. That Soulard, during the last mentioned period, continued to exercise the duties of the same office that he had done during the government of his predecessor, and without any fixed salary for either. That he saw the concession of which he has spoken in the possession of Mr. Soulard, on his table, or amongst his papers; witness cannot say that he read the concession from beginning to end, but that it was the same concession of which he has already spoken. That the concession was in the usual form, for ten thousand arpents of land. That the *requete* or petition was in the handwriting of Soulard, and the whole of the decree or concession was in the handwriting of the Lieutenant Governor Trudeau. That it was frequently the case, that the concession was written by some person other than the Governor, for his signature. That he knew Santiago Rankin, and that he was the deputy of Soulard, the Surveyor General. That Soulard had the power of appointing a Deputy Surveyor; the manner of appointing was by letter. The commission of Antoine Soulard, Surveyor of all the districts of Illinois and New Madrid, of the date of the 3d February, 1795, marked (A;) the original official letter of Morales, the Intendant, respecting Mr. Soulard's right to survey in the district of New Madrid, by himself or deputy, marked (B;) the official letter of Col. Howard, recommendatory of Soulard, marked (C;) appointment of Soulard adjutant, marked (D;) the proclamation of Salcedo and Casa Calvo, marked (E;) the ordinance or regulations of Morales, marked (F;) the letter accompanying the same, marked (G;) the official of Delassus to Soulard, wherein he announces the death of the Assessor at New Orleans, as made known to him by Morales, marked (H;) the letter from Casa Calvo to Col. Delassus, acknowledging the receipt of the ordinance, &c., dated 30th May, 1805, marked (I;) letter of Morales to Col. Delassus, of August 26th, 1799, in which witness is informed that the subdelegates are independent of each other, marked (K;) the certificate of Don Gilberto Leonard and Don Manuel Armires, ministers of the royal treasury, in favor of Col. Delassus, as former Commandant at New Madrid, and Lieutenant Governor of Upper Louisiana, dated 27th of June, 1805, marked (L,) are identified and proved by witness, and are endorsed and marked with the letters of the alphabet, from A to L, inclusive. That he received six copies of the regulations of Morales, officially transmitted to him, as announced by the letter already referred to; upon the margin of which letter he noted, in Spanish, that the letter was answered, and that the regulations were not to be complied with until further orders. That he did answer the letter of Morales, as noted in the margin thereof, and accompanied his answer with objections, a rough draught of which is herewith presented, marked (M.) That he knows that Morales received the letter and objections; at least, that Morales made other communications to witness in answer to those made by him, at same time, and through the same medium. That, as Lieutenant Governor, he had a right to suspend the execution of any order,

which, to him, appeared prejudicial to the interest of the King or people till fresh instructions. That he received, afterwards, other letters and communications from Morales, referrible to the department of subdelegation that he never mentioned the subject of those regulations. That he does not remember to have caused those regulations to be published. That he received no orders to his inferiors relative to the regulations of Morales, because he did not intend to obey them himself, and had remonstrated against them. His acts in relation to the granting of lands, since the regulations of Morales were approved, because he received the letter of approbation from the King, in the name of Casa Calvo, of the 30th May, 1805, marked (N,) heretofore mentioned, and because he thinks his acts or grants were confirmed; and because, if his acts had not been approved, he would have been informed thereof. He is not certain whether any concession made by him was confirmed. He received from Morales answers to all his communications, except that relating to the regulations. The practice in relation to the concessions in Upper Louisiana was, to return the *procès verbal*, and plat and concession, to the party; and the Governor below had no other means of knowing to whom lands had been conceded. Witness says he recollects one instance of receiving a note from the Governor below, or from the Intendant, when he was Governor here or at New Madrid, desiring to know what the qualifications of a certain person, to whom he, witness, had made a concession, had been. Witness says he did not consider the regulations of Morales obligatory upon him, but that, if any person had made application for a grant, he would have made it as though the regulations had not been made. He says the regulations were not binding on him, because of the reasons mentioned in the objections heretofore offered in evidence. He has seen several ordinances of the King of Spain in relation to the granting of lands, but he does not recollect the date of them. The regulations of O'Reilly were old that they were not regarded; those which governed witness were made by Carondelet. When he went to New Madrid to command, he found the regulations of Carondelet; he left them there when he came here to command. They had authority only in Upper Louisiana. Those regulations authorized the granting of lands, according to the number of family and means, and according to the object in view in granting. He consulted no ordinance of the King for his duties, but the orders and instructions of the Governor which were authoritative to him. He was likewise governed by the customs and usages of his predecessors. The quantity was not limited by any law or usage; he delivered a bundle of official letters, which would clear up things here. When he left Orleans to take command at Madrid, Carondelet told him in person what he afterwards wrote, that he wanted him to give lands to the inhabitants from the United States, not hunters, but those who had families and great means; and to grant lands as much as they want, according to their means. Those who would make settlements, and bring other families, he would grant them as much land as they want. While here, as Lieutenant Governor, he received the same instructions from Gayoso in writing. He was Governor of the mandant at New Madrid from the year 1796 to 1799. Those papers, and others, he lost at Baton Rouge on the revolution there. There was no record of concessions except that kept by Soulard, who was obliged to keep such a book. The Government below were aware of the manner in which Soulard's book was kept, and it always received the greatest approbation. He knows this by report generally, by what Soulard said to him, and by a letter received by Soulard. A *Livre Terrien* was kept before Soulard

appointed, but not after. Those instructions which he received from Carondelet were written, as well those he found at Madrid as those he received. They were particular to him. When publication of instructions or regulations was to be made, the Governor directed it and the manner. All the instructions which were official, which he received, he delivered to the commissioners at New Orleans. The instructions of Gayoso were official, and were delivered to the commissioners. It was not the duty of the Lieutenant Governor to keep any memorandum of concessions made. The vacant lands were seen, and those who had got titles were settled. He does not think Soulard rendered any account of the official acts done by him. He believes Soulard received instructions from the Surveyor General as to the manner in which he should keep his books. But the Surveyor was under the orders of the Lieutenant Governor. The Surveyor General below had his district, and so had Soulard. The letter of the Surveyor General to Soulard was rather a letter of friendly advice than of instructions. He, the witness, never received any commission as subdelegate. He declined accepting the command at Pensacola, because the duties of subdelegate were attached thereto; as he knew nothing about those. The instructions were by the King to the Governor, and by the Governor to him. He did not know the instructions to the Governor from the King.

The regulations of O'Reily, Gayoso, and Morales, were for the government of Upper Louisiana, and were delivered to the commissioners at New Orleans. He means, by the word usage, the practice of his predecessors; because they were based upon the instructions. He may have added something to the usage of his predecessors, according to his instructions, where these may have required it; he never received orders to discontinue *Livre Terrien*, he found Mr. Soulard at St. Louis as surveyor, and knows nothing of *Livre Terrien*. He thinks he delivered over every public document which was necessary or useful to the citizens of this country; he delivered them to Maj. Stoddart; an inventory of which he gave to Stoddart; one he kept, and the other he gave to the commissioners, Salcedo and Casa Calvo. He took with him only his official papers relative to his responsibility to his Government. He took no book with him, nor any thing except his official instructions, which could relate to land titles. He left here 16th March, 1804, and remained a governor two years of Baton Rouge, until 1810, previous to which time he was colonel of a regiment. In granting lands they, the subdelegates, were authorized to reward gratuitous services, secret, military, or civil, and were not limited as to quantity; because, generally, the Governors had confidence in those he appointed; and because it was in virtue of the good will of his Majesty towards his subjects. He first derived intelligence of the treaty of 1803 from Lewis and Clarke, the fall or winter of 1803. Santiago Rankin and Maddin were deputies in the spring of 1804. He does not know whether he made any concessions after the treaty of cession of 1803. He thinks information of the cession to France and to the United States came at the same time.

The following are letters and other documents proved by and referred to in the deposition herein before set forth of Charles Dehault Delassus, as copied from the originals, and translations thereof made by a sworn interpreter, to wit:

LETTER A.—(TRANSLATION.)

"The Baron de Carondelet, Knight of the Order of the Religion of St. John, Brigadier of the Royal Armies, Governor, Vice Patron of the Pro-

vines of Louisiana, Western Florida, and Inspector of the Troops there of, &c.

"In order to obviate the many and various difficulties which have happened between the inhabitants of the posts and settlements of Illinois relative to the boundaries of their lands, the greatest part not yet surveyed for want of an experienced surveyor, and that, to avoid disorder, confusion, irregularities, and litigations and law suits which may in future take place, being myself informed of the capacity and talents of the Captain of the militia of the post of St. Louis, Don Anthony Soulard, I have named him, and by these presents I name him, Surveyor of all the Districts of Illinois and New Madrid, so that, conforming himself to the instructions of the Surveyor General, the Lieutenant of the Armies, Don Charles Laveau, with whom he is to correspond directly, he will measure, survey, establish boundaries, and mark the lands which will be conceded by *this General Government*, taking his lawful and accustomed fees. I command all the respective Commandants, and the Lieutenant Governor of the establishments of Illinois, to render him, and cause to be rendered to him, the honors, rights, and privileges, which belong and appertain to such surveyor. Given the present, signed with my hand, sealed with the seal of my arms, and countersigned by the undersigned Secretary of this Government General for his Majesty.

"EL BARON DE CARONDELET.

"ANDRES LOPEZ ARMESTO.

"NEW ORLEANS, Feb. 3, 1795."

LETTER B.—(TRANSLATION.)

In my official letter of this date, I say to the Captain Don Henrique Peyroux, Subdelegate of the Intendency in the post of New Madrid, as follows:

"Having before me the statement dated 31st of last July, made to me by the surveyor of Upper Louisiana, Don Antonie Soulard, and also the communication dated 22th September last on the same subject, made to me by the Surveyor General of Louisiana, Don Carlos Trudeau, I have to inform you, that, considering as surveyor of the post of New Madrid the said Soulard, you must not prevent him from executing the surveys of land that may become necessary in that district, either by himself or by the person whom, under his responsibility, he shall commission, for this is necessary to the good order which I desire may be established on this subject, and the uniformity and subordination to the Surveyor General of this capital, with whom the others must co-operate." I communicate this to you, sir, that you understand and enforce it, informing me of the receipt of this official letter for my own government. God preserve, &c.

JUAN VENTURA MORALES.

Sñ. DON CARLOS DEHAULT DELASSUS.

NEW ORLEANS, 21st January, 1802.

LETTER C.—(TRANSLATION.)

Don Carlos Howard, Lieutenant Colonel of the Regiment of Louisiana, and by special commission of the Sñ. Field Marshal, the Baron de Carondelet, Military Commandant of Upper Louisiana—I do certify that the captain of militia, Don Anthony Soulard, appointed surveyor of the said Upper

iana by the General Government, and by me, adjutant major pro tem in place of St. Louis of the Illinois, and commissioned also by said Sr. n for exercising the functions of Engineer under the direction of Don is Vanden Benden, volunteer in the same corps, in the work of fortifica- which have been executed here under my orders; the said Soulard mak- lso plans of the same: I say, I certify that said Anthony Soulard did rise offer to be employed in rotation in the daily service of the place, h offer I accepted, from the great scarcity of veteran officers; that he arged his duties in the capacities aforesaid with so much zeal and acti- that, notwithstanding the manifest decline of his health, he persisted in , although I requested him to take some rest and a change of air; being observed that he rendered the services abovementioned without having ved or solicited any gratification: for which reason I have already ren- ended his merits to said Sr. Baron, adding that his talents, liberal edu- n, and cultivated acquirements, render him worthy the attention of the rior authority—to confer on him a rank in the army, and the office of tant of the place aforesaid, where such an appointment is particularly ted, in order to supply the place of the Commandant and Lieutenant error in case of absence or infirmity, and specially in that of death; s, in time of peace, and even at this day, when I am leaving this place, successor, the Captain Don Zenon Trudeau, with the grade of Lieutenant mel, remains without any subaltern officer. And that the above may l duly attested, I give these presents at the request of the person in- ted, at the place of St. Louis of the Illinois, the first of August, one sand seven hundred and ninety-seven.

CARLOS HOWARD.

LETTER D.—(TRANSLATION.)

have appointed your worship to execute the duties of adjutant pro tem. a Lieutenant Governor of these establishments, which office became va- by the death of Don Peter de Volsey, the proprietor; and which I make to your worship in order that you discharge the duties attached to office, having already transmitted the necessary order to make you n in that capacity. God preserve you many years.

ZENON TRUDEAU.

I. DON ANTHONY SOULARD.

ST. LOUIS, October 30, 1799.

LETTER E.—(TRANSLATION.)

on Manuel de Salcedo, Brigadier of the Royal Armies, Governor Civil Military of the Provinces of Louisiana and Western Florida, Inspector ie troops and Militia thereof, Vice Patron Royal, Judge Subdelegate of General Intendancy of, &c. and Don Sebastian Calvo de la Puesto y ó ill, Marquis de Casa Calvo, Knight of the Order of St. James, Brigadier ie Royal Armies, and Colonel of the regiment of Infantry of Havana, mmissioned by his Majesty for the delivery of this province to the French ublic:

ake known to all the vassals of our Lord the King, of whatever class and where they may be, that his Majesty has resolved on the retrocession

of Louisiana should be made to the reciprocal satisfaction of each power, and that the same proofs of protection and love which the inhabitants of the province have experienced should be continued. His Majesty, amongst other things, has been pleased to determine certain points, which we believe our duty to cause to be published for the knowledge and disposition of all interested.

First. His Majesty having under his eyes the obligations imposed by the treaties, and being desirous to avoid all dispute which might unexpectedly arise, has resolved that the retrocession of the colony and island of Orleans, which is to be made to the General of Division, Victor, or other officers lawfully authorized by the Government of the French Republic, take place under the same form as that in which France has ceded to his Majesty, in virtue of which the limits of the border of the Mississippi or river St. Louis shall remain as they were fixed by the 7th article of the definitive treaty of peace, concluded in Paris the 10th day of February, 1763, and consequently the settlement of river Manchac, or Iberville, as far as the line which separates the American territory from the King's domain, shall remain under the power of Spain, and annexed to the Western Florida.

Second. All individuals who have been in the employ of his Majesty, and who will remain under the domination of the King, will go to the place of Havana, or any other places belonging to his Majesty, unless they should prefer to remain in the service of France, which they may freely do; but should any just and well founded reasons hinder them for the present to comply with this disposition, they may state them through their respective chiefs, to be decided upon accordingly.

Third. The benevolence of his Majesty will not discontinue the pensions granted to the widows, and those who have retired from the service, and will acquaint them in what manner they may receive their pensions.

Fourth. His Majesty makes known, that, by the wishes he entertains for the advantage and peace of the inhabitants of the colony, he expects, from the sincere and close amity and alliance which unite the Spanish Government to that of the Republic, that the latter will give orders to the Governors and other officers employed in its service in the said colony and city of New Orleans, to the end that the churches and other houses of religious worship, served by the curates and missionaries, should continue on the same footing, and enjoy the same privileges, prerogatives, and immunities, which were granted to them by the titles of their establishments; that the ordinary judges continue, equally as the tribunals established, to administer justice, according to the laws and customs adopted in the colony, that the inhabitants should be maintained and preserved in the peaceable possession of their property; that *all concessions or property of any kind whatsoever, given by the Governors of these provinces, be confirmed, although it had not even been done by his Majesty*, hoping also that the Government of the Republic will give to its new subjects the same proofs of love and protection which they have had under the Government of his Majesty.

Fifthly. In order that all parties interested may take the resolution which they will judge the most conducive to their interest and welfare, we also make known, that, in case of doubt, they may have recourse and apply to any of us for more ample information and knowledge, according to the rules and instructions which we have received.

And that it may come to public knowledge, we do ordain that the same be

ished with all solemnity required, at the sound of military drum, and
up in the ordinary places. Given at New Orleans, May 18th, 1803.

MANUEL DE SALCEDO,
LE MARQUES DE CASA CALVO.

by order of their Lordships:

Copy.

CHARLES XIMENES.
ANDRES LOPEZ ARMESTO.

by order of their Lordships the Commissaries, I have commanded the
lication at the sound of drum in this post of St. Louis.

CHARLES DEHAULT DELASSUS.

LETTER G.—(TRANSLATION.)

for the government of that subdelegation, and knowledge of the inhabit-
of that district, and others concerned in the re-partition of grant to land
soil, I transmit to your hands six copies of the regulations I have made,
which are to be observed until his Majesty decide otherwise. They are
e published in the ordinary mode in which general orders of his Majesty
cerning public welfare are done, and of which your worship will give
the corresponding notice. God preserve your worship many years.

JUAN VENTURA MORALES.

COMMANDANTE of *St. Louis, Illinois.*

NEW ORLEANS, *July 17th, 1799.*

LETTER H.—(TRANSLATION.)

by letter dated 1st December of the last year, Don Juan Ventura Morales,
ndant General of these provinces, tells me as follows: "On account of
death of the Assessor of this Intendancy, and there not being in the pro-
e a learned man who can supply his place, I have closed the tribunal of
rs and causes relating to grants and compositions of royal lands, as the
t article of the royal ordinance for the Intendants of New Spain provides
, for conducting that tribunal, and substantiating its acts, the concurrence
hat officer shall be necessary. I make this communication, in order
, apprised of this providence, you may not receive, frame, or transmit
noria's soliciting lands, until further orders. I transmit you the above
our information, and you may communicate it to those inhabitants
se concessions have been surveyed; and who would solicit their titles
rm from the Intendancy, to the end that they will await the further
r above mentioned. In the mean time, I understand that they shall
inue in secure possession of the said lands. God preserve, &c.

CARLOS DEHAULT DELASSUS.

Don ANTONIO SOULARD.

At St. Louis of Illinois, 16th May, 1803.

LETTER I.—(TRANSLATION.)

have received the ~~assent~~ of the artillery, stores, and effects, belong-
and appertaining to his Majesty, which you have brought away in the
s of the expedition for the evacuation of the domain of Upper Louisiana,
which agreeably to my orders, were disembarked at Baton Rouge. I

have likewise in my possession the inventory of the papers relating to the inhabitants, and other documents and correspondence of the Government mentioned in your official letter.

I have likewise been informed of the steps which you have taken to procure the artillery of the fort of Carondelet, in the Osage nation, and that you could not take down, leaving it with the hopes that Don Auguste de Beauveau will attend to it, who has undertaken to deliver it at Baton Rouge.

In acknowledging the receipt of your official letter, I cannot do less than to manifest to your Lordship the satisfaction which I feel in observing your particular zeal and love for the service which has distinguished your command in the posts of Upper Louisiana, in which you have, in so distinguished a manner, interested yourself in the welfare of the inhabitants. God preserve your Lordship many years.

EL MARQUES DE CASA CALVO.

To Sñ. DON CARLOS DEHAULT DELASSUS.

NEW ORLEANS, *May 30, 1805.*

LETTER K.—(TRANSLATION.)

I have seen the instructions which you, sir, (in the belief that, as Lieutenant Governor of the establishments of the Illinois, the officers of the Royal Treasury of the post of New Madrid, subject by order of the deceased Governor, Don Manuel Gayoso de Lemos, to this command, (that of New Orleans,) must be subordinate to you,) have framed for the government of the commandant, Don Roberto Mackay, in his quality of Subdelegate of the Intendancy, and of the magazine keeper, Don Juan Lavalle, copies of which instructions you enclosed to me in your official letter of the 30th of June last, No. 59.

In answer, I must say, that, it being contrary to law that one subdelegate should transfer his powers to another, and it being opposed to the regularity of business that that should be certified upon report which is not present, the instructions given by you cannot nor ought to have effect; and the more so, in as much as the subdelegation of the Intendancy is local, and that the magazine keeper cannot recognise as his immediate chief any other than those who exercise the subdelegation. For which reasons, without prejudice to the good understanding which the Commandant Mackay, or he who has succeeded him, shall have with you in civil and military matters, and to their recourse to you for the supplies of provisions and other things of which the post may have need, I inform by letter of this date the captain, Don Henrique Peyroux, and the magazine keeper, Don Juan Lavalle, that they are not subordinate to you, the first as subdelegate of this Intendancy, and the second as magazine keeper; the service, consequently, being to be performed, and the documents to be drawn up in the same form, as when you, sir, were commandant of that post, independently of the Lieutenant Governor of the Illinois, and observing the instructions which shall be issued from this Royal Treasury office, and also the other orders of this Intendancy. God preserve your worship many years.

JUAN VENTURA MORALES.

To Sñ. DON CARLOS DEHAULT DELASSUS.

NEW ORLEANS, *26th August, 1799.*

LETTER L.—(TRANSLATION.)

Don Gilberto Leonard, Treasurer of the Army, and Don Manuel zalez Armirez, Ministers of the Royal Treasury, and formerly account- and treasurer, ad interim, respectively, of the province of Louisiana, ng the Spanish Government, continuing our functions until the entire lusion of the affairs of said departments, do certify that, in pursuance decree of the Señor Intendant General ad interim, the Señor Colonel rles Dehault Delassus, formerly commandant of the post of New Madrid, Lieutenant Governor of St. Louis of the Illinois, with the subdelega- of the Royal Treasury in both situations, (con la subdelegacion de Real ienda in ambos destinos,) quitted the capital in the beginning of the year 3, and that, as well in that voyage, as in others which he made for affairs he royal service, were made at his own expenses, and that, during the le time he remained in both places until the 9th of March of the last , when he remitted said posts to the Commissioner of the United States merica, no compensation or gratification were allowed to him, although had been allowed to his predecessors, the Captains Don Peter Foucher Don Thomas Portell, and likewise in the post of Illinois, when the com- ioned, the Lieutenant Colonel Don Carlos Howard, went up; and that, ccount that the expenses in those places were greater, and the price of les double, than in this city, or its immediate posts. And in order that may authentically appear in favor of the said Colonel Don Carlos De- t Delassus, and in virtue of the before recited decree, we give the pre- certificate, at New Orleans, 27th June, 1805.

GILBERTO LEONARD.
MANUEL ARMIREZ.

Albert Tyson deposed, that, in the months of January and February, 1, he was on the Upper Cuivre river, and saw James Rankin with a porandum to survey 10,000 arpents for Antoine Soulard, and saw him n to survey; that said Rankin had memorandum to survey many other as, and among the rest two claims for the children of Antoine Soulard, one for the witness, of a league square, which are confirmed; also, one fr. Landreville.

Marie P. Leduc deposed, that, in February or March, 1800, he copied French part of the regulations of Merales, and pasted them on a board, set them up on a fence in front of the Lieutenant Governor's house, where remained about eight days, until they were washed away by the rain. sometimes seen publications made through the street by beat of drum, ularly the proclamation of Casa Calvo and Salcedo, and also regula- made by the Lieutenant Governor for the Government; he remem- no other instance. He arrived at St. Louis in 1799; witness was pri- Secretary to Lieutenant Governor Delassus.

Auguste Chouteau deposed, that, before there was a Surveyor appoint- he Commandant kept a registry at his own house; since then it was usiness of the Surveyor to register. It was the duty of the Surveyor ote the authority by which the survey was made. The survey was e before any record. The news of the session to France came before mber; that of the session to the United States in December. St. e was the first Commandant. It was the custom of this Governor to re- r concessions, and, perhaps, of his successors, as late as the time of

Trudeau. The Government here commenced in July, 1764. The *Terrien* was kept by the Governors themselves, and signed by them. Surveyor kept a register, as well of the concession as of the survey; never saw the books; he speaks from belief. There were a great many surveys made here just before the change of Government. Rankin and din, and he believes some others, were deputies.

To which said depositions, the defendants, by their attorney, tender their bill of exceptions in the words and figures following: Be it remembered, that, at the trial of this cause, the petitioners, as a witness for them, Don Charles Dehault Delassus, the last Spanish tenant Governor of Upper Louisiana, who, among other things, that confirmations had been had of concessions granted by him as Lieutenant Governor, and by his predecessor, Don Zenon Trudeau; to the receipt of which as evidence, the District Attorney objected, alleging that the confirmation of all concessions of land under the Spanish authority matter of record, and is not susceptible of oral proof; which objection was ruled by the court, and received said evidence for the purpose of the practice of the Lieutenant Governor to make concessions, and the definition on the part of their superiors of their power to make such concessions; to which decision of the court the District Attorney excepts.

Be it also remembered, that, on the trial of the issue made up in this case, viz. whether there was or was not such a concession as that set forth in the petition, the petitioners produced and offered to read in evidence a certificate of William Rector, late surveyor of the public lands in Missouri, and Arkansas, purporting to be a copy of the plat and map of the tract of land claimed by the said petitioners in this cause, which certificate is marked (Q,) and embodied with the other testimony, and sent up to the Supreme Court. To the receiving of which in evidence the District Attorney objected; but the court overruled the objection, and received the same in evidence; to which decision of the court the District Attorney excepts.

Be it also remembered, that, at the hearing of this cause, the District Attorney, on the part and behalf of the United States, objected to the receipt of the depositions of Charles Dehault Delassus and Auguste Chouteau (which depositions were embodied in writing, to be sent up to the Supreme Court) which tenders to the court here this his bill of his exceptions aforesaid, and that the same may be signed and sealed for a testimony, and made the record, which is accordingly done.

JAMES H. PECK, [S]

And to which said deposition the petitioners by their counsel except in the words and figures following, to wit:

it remembered, that, on the hearing of said cause, the counsel for petitioner on his behalf offered the following testimony, given on oath by the witness Dehault Delassus, formerly Lieutenant Governor of Upper Louisiana: That the omission of registry did not, in the opinion of witness, vitiate the validity of a concession made by a subdelegate or Lieutenant Governor, and that he, witness, knows of no usage requiring registration of such concessions. That at different times he and also witness Trudeauau say that Mr. Soulard had taken great pains in the service of the King, and had served the King with great effect; that he, Soulard, had no fixed salary as surveyor, and that he, Trudeauau, had made the grant of land for the purpose of rewarding those services. That said Soulard had performed the duties of adjutant major, and of aid de camp to the Governor, without any salary, at the same time that he was Surveyor General without any salary, which testimony of the declaration of said Trudeauau being objected to by the Attorney for the United States, said objection was sustained by said court. To which opinion the counsel for petitioner aforesaid excepts; and said counsel, by said witness, offered to prove that he, said witness, as Lieutenant Governor aforesaid, had a right to suspend the execution of any order which to him appeared prejudicial to the interest of the King or people, unless he received instructions. To which evidence the Attorney for the United States having objected, the objection was sustained by the said court; to which opinion the counsel for the petitioners excepted; and said counsel tendered to the court his bill of exceptions, and prays that the same may be signed and sealed, which is accordingly done, and ordered to be made a part of the record.

JAMES H. PECK, [SEAL.]

DOCUMENTS.

Ste. Janis claims to hold four hundred arpents of land, situated in the district of Ste. Genevieve, on the river establishment, granted him by Don Dehault Delassus, on the 15th day of November, A. D. 1800.—Continued.

LETTER O.—(TRANSLATION.)

Don Francis Valle, captain of militia, and commandant civil and military of the post of Ste. Genevieve; John Baptiste Janis has the honor to present, that he resides as an inhabitant of Ste. Genevieve since a great length of time; that he has not yet demanded any grant to land, but being desirous to participate with the other inhabitants of this post, to the benefit of your Majesty, he hopes of your justice that you will be pleased to grant him a concession for him, his heirs and assigns, to a certain tract of land situate in the district of Ste. Genevieve, bounded southwardly by the river establishment, westwardly by lands of M. Baptiste Valle, eastwardly by lands of M. Alexis Moreau, and northwardly by the domain of his Majesty. The said tract being about 12 arpents fronting the said river, by 20 arpents in the rear, which would form a superficies of about 250 arpents, said land not being as yet granted to any body. The petitioner, being the head of a numerous family, owner of slaves, and large quantity of cattle, hopes that you will find it worthy of this favor. In so doing, your petitioner will ever pray.

BAPTISTE JANIS.

STE. GENEVIEVE, November 10th, 1800.

APPENDIX.

STE. GENEVIEVE, November 15th, 1804.

Seeing the above petition, let it be forwarded to the Lieutenant Governor, to order on the same, observing that the petitioner possesses the requisite qualifications to comply and fulfil his demands.

FRANCOIS VALLÉ

In consequence of the above decree, leave is given to the petitioner to establish himself *provisionally*, under the condition and charge on him to demand his concession to his Lordship, the Intendant, according to the provision of the regulations.

CHARLES DEHAULT DELASSUS.

Copy conformable to the original delivered to M. Jean Bte. Janin.
FRANS. VALLÉ

LETTER P.

TUESDAY, October 13th, 1807.

On application of a claimant, the Board met by common consent, present, the Honorable Clement B. Penrose and Frederick Bates. Dr. Philip Fine, claiming five thousand and forty acres of land, situate on the river Matiss, produces in support of said claim a plat of survey, dated the 28th of February, 1806, and certified to be received for record by Anthony Soule, February 28th, 1806. Philip Fine, being duly sworn, says, that, speaking with the Spanish Lieutenant Governor, Mr. Delassus, early in the year 1803, on the subject of settling on vacant land, was informed by said Lieutenant Governor that no concession could be granted at that time, but that as a person coming to the country might settle on vacant land; that his brother, the claimant, arrived shortly after in Louisiana, and was informed by him, the witness, of what had passed between him and the Lieutenant Governor in consequence of which, his brother settled on the land claimed in the year 1803, built a cabin and raised a crop that year, and has inhabited and cultivated the same ever since; and had at that time a wife and six children.

I, Theodore Hunt, Recorder of Land Titles in the State of Missouri, hereby certify that the foregoing transcript, consisting of twenty-five lines and parts of lines, is faithfully copied from the record of the proceedings of the Board of Commissioners for ascertaining and adjusting titles and claims to land in Missouri, as will appear by reference to book iii, page 94, in my office.

Given at my office, at St. Louis, the 25th of November, A. D. 1824.

THEODORE HUNT.

LETTER Q.—(TRANSLATION.)

DON ANTONIO SOULARD.

No. 8.

Nota, situated about 15 miles westwardly of the Mississippi, and about 70 miles northwardly of St. Louis—surveyed by the deputy surveyor, Dr. James Rankin, on the 20th February, 1804, by virtue of a decree from the Lieutenant Governor, Don Zenon Trudeau, bearing date the 20th April 1796. Certificate of survey delivered March 8th, 1804.

[Plat omitted.]

LETTER R.—(TRANSLATION.)

Don Manuel Gayoso de Lemes, Brigadier of the Royal Armies, Governor General, Vice Patron Royal of the Provinces of Louisiana and Western Florida, and Inspector of the troops and militia thereof. Whereas it becomes necessary to appoint to the office of Lieutenant Governor of the establishments of Illinois, which place will become vacant by the promotion of the Captain Grenadiers, Don Zenon Trudeau, to that of Lieutenant Colonel, and that at this election a choice ought to be made of an officer of accredited military talents, distinguished love for the royal service, and zealous for the welfare, tranquillity, and defence of those establishments: and whereas those qualifications are united in the Lieutenant Colonel Don Charles Dehaut Dessus, I have elected and appointed him to serve in said office of Lieutenant Governor of said establishments of Illinois for the term of three years, using the pleasure of the Government; and until his services shall require his presence here, I do hereby command every officers, commandants, and employes of the posts aforesaid, and also the inhabitants, to render the honors, exemptions, and privileges, to him appertaining, to obey the orders, either written or verbal, which he will give relating to the royal service—agreeing with the public good of this and those remote districts.

Given under my hand, and the seal of my arms, and countersigned by the undersigned Commissary of War and Secretary of this Government for His Majesty.

MANUEL GAYOSO DE LEMOS, [L. s.]

ANDRES LOPEZ ARMESTO.

NEW ORLEANS, this 24th day of February, 1799.

LETTER S.—(TRANSLATION.)

To the Lieutenant Governor of the western part of Illinois:

Sir: Regis Loisel, merchant of this town, has the honor to expose to you, that, desiring to establish a tract of vacant land, situate and bounded on one side by lands of Nicolas Leconte, on the other side by a small lake, commonly called Marais Croche, on the front by Missouri river, and on the rear as far back as thirty arpents to the Hills, which will limit the same, and that he will either directly or indirectly cultivate it. In consequence, he prays you, sir, to grant him his demand. He never will cease to pray for the accomplishment of your happiness.

REGIS LOISEL.

St. Louis, November 18th, 1796.

St. Louis, November 19th, 1796.

The surveyor of this jurisdiction, Don Anthony Soulard, will put Mr. Loisel in possession of the vacant land between the lands of the within named Nicolas Leconte and the (fer à cheval) Horse Shoe, in order that he may verify the quantity by survey, and deliver the title of concession in form.

ZENON TRUDEAU.

[Follows the plat of survey.]

We, the undersigned, commissioned Surveyor by the Government, certify to all whom it may concern, that, on this 26th day of January, 1797, by virtue of the order of the Lieutenant Governor, bearing date November 19th, 1796, personally went on the land of Regis Loisel, to make the measure

ment and survey of the tract of land granted to him of 31 arpents in front by 58 arpents and 9 perches on the rear, on a line of 27 arpents 8 perches the cross line of the rear, and 49 arpents 13 perches on the line which to and joins the river, which tract contains 1,480 arpents in superficies. A measurement was made, in the presence of the proprietor and the adjoining neighbors, with the perch of the city of Paris, of 18 French feet long according to the custom used in this colony; which land is situate about 3 miles W. S. W. of this town, bounded on one side by lands of Nicolas Leconte, and lands of an American, on the rear by vacant lands, on the other side, in part, by vacant lands and lands of Hyacinthe St. Cyr, and the borders of Marais Crevecoeur and vacant lands, and on the front by river Missouri; and to the end that the same be made known, we have delivered these presents, with the accompanying figurative plat of survey, on which we have marked and noticed the artificial and natural boundaries, &c.

ANTHONY SOULARD.

St. Louis of the Illinois, Jan. 26th, 1797.

Don Manuel Gayoso de Lemos, Brigadier of the Royal Armies, Governor or General, Vice Patron Royal of the Provinces of Louisiana and Western Florida, and Inspector of the troops and militia thereof, &c. Having examined the diligence made by Anthony Soulard, Surveyor of the establishments of Illinois, on the possession by him given to Don Regis Loisel, the quantity of 1,400 arpents of land, superficial measure, situate about 3 miles W. S. W. from the town of St. Louis, bounded on the one side by lands of Nicolas Leconte and lands of an American, on the rear by land of the King's domain, on the other side, in part, by lands of Hyacinthe St. Cyr and the borders of the lake commonly called Crevecoeur, and also, in part, by vacant lands, and bounded by the river Missouri on its front, as appears by the preceding figurative plat of survey; and acknowledging that the same is made conformable to the rules of survey and to the grants (or concessions) of the adjoining neighbors, and that it does not prejudice them, nor laid any claim against it, but have given their consent to it by their assistance in the surveying thereof; approving the same as we do approve it, using of the faculty in us vested by the King, we do grant, in his royal name, to Don Regis Loisel, the aforementioned 1,480 arpents of land in superficies, in order that, as his own property, he may dispose and enjoy the same, observing the conditions provided by the regulations on that subject.

Given and delivered by us, and signed with our hands, and sealed with the seal of our arms, and countersigned by the undersigned Secretary of the Government for his Majesty. New Orleans, this first day of March, one thousand seven hundred and ninety-eight.

MANUEL GAYOSO DE LEMOS. [L. s.]

By his Lordship's command:

ANDRES LOPEZ ARMESTO.

(Recorded.)

LETTER T.—(TRANSLATION.)

UPPER LOUISIANA, *St. Louis of the Illinois.*

[Follows the plat of survey.]

Don Anthony Soulard, Surveyor of the western establishments of Illinois, do certify, that, on the 5th day of February of this present year, (b

virtue of the preceding decree of Don Zenon Trudeau, Lieutenant Governor of these settlements,) I personally went on the land of Don Jacques Delassus St. Vrain, to make the measurement of survey of the same, conformable to his demand, of 900 arpents in superficies, with defalcation of those parts which ought to be considered as bank of sands near the river, and subject to overflow, which measurement has been made in presence of said St. Vrain and adjoining neighbors, with the measure of Paris, of eighteen feet long, according to the custom of this province of Louisiana, which land is situate northerly, and about 11 miles from this town of St. Louis; bounded northerly by lands of Louis Brazeux and King's domain, south by lands of John Graham and King's domain, east by King's domain, and west by river Mississippi. And in order that the same may be known to all whom it may concern, I have delivered him these presents, with the above plat of survey, in which the dimensions and natural and artificial boundaries are marked.

ANTONIO SOULARD.

ST. LOUIS, ILLINOIS, *March 8th*, 1799.

Don Anthony Soulard, Surveyor particular of all the establishments of Upper Louisiana. At the request of the interested, and in conformity to the 16th article of the instructions of the Intendant, I certify to all whom it may concern, that the above plat and certificate of survey are in all their parts conformable to the originals, made under the date of 8th of March, 1799, and to the record of the said plat, remaining in the office under my charge.

ANTONIO SOULARD.

ST. LOUIS, *June 17th*, 1802.

I certify that the above plat and certificate is, in all its parts, conformable to the one presented, with those that are necessary on that subject, and that this contains 900 arpents, granted to Don Jacques Delassus St. Vrain.

CHARLES XIMENES.

NEW ORLEANS, *April 28th*, 1802.

Don Juan Ventura Morales, Contador Principal of the Royal Armies, Intendant pro tem. of the royal finances of the Provinces of Louisiana and Western Florida, Superintendent, Subdelegate, Judge of arrivals, of lands, and royal soil:

Whereas Don Anthony Soulard, in the name of Don James Delassus de St. Vrain, Captain of the militia of St. Louis of Illinois, appeared before this tribunal, and represented that said St. Vrain had obtained from the Lieutenant Governor of those countries a concession of 800 arpents of land, by decree of the 6th December, 1798, and situate on the river Mississippi, in the aforesaid district of St. Louis, about eleven miles northwardly from the town, bounded on the north side by lands of Louis Brazeux and vacant lands, on the south side by lands of John Graham and vacant lands, and eastwardly by vacant lands; and soliciting that the corresponding titles, conformably to the survey laid by him before this tribunal, with the figurative plat, and in conformity with the measurement, lines, and boundaries, made by the said Anthony Soulard, pursuant to the decree of the same Lieutenant Governor, and which survey contains 900 arpents in superficies, as appears by the document to which I refer, to be delivered to him. And hav-

ing ordered the fiscal of the royal finances to examine the same, and as from his answer no objection is made, as appears by his act of the 23d instant, by which he disposed that the title be delivered to the before named Don James Delassus St. Vrain, of the conceded 900 arpents of land, included in the aforesaid map or plat, conformably to the measurement of the same; therefore, and using of the faculty vested in this Intendancy, and in the name of the King our Lord, (whom God preserve,) ratifying, as I do ratify and approve the said concession made by said Lieutenant Governor, and approving the measurement made, I do grant to said Don James Delassus St. Vrain, Captain of the St. Louis militia, entire and direct domain to the 900 arpents of land in superficies, herein mentioned, conformably to the rhombs, distances, and boundaries described in the said plat, and in the place where the same is situated, in order that himself, and his successors, as lawful owners, may use, dispose, and enjoy the same at their will and pleasure, giving him power to remain in possession of the same as he now is, and into which I place him and put him, without prejudice of a third who may have a better right; under the condition that, as well the said named Captain of militia, Don James Delassus St. Vrain, or his successors, on the said land, which has been given to him without any interest, fee, or any contribution whatever, in favor of the royal finances, they are to observe and comply and conform with the contents of the third, fourth, sixth, seventh, and ninth articles of the instruction made and published by this Intendancy, bearing date July 17th, 1799, conformably to the locality, quality, and circumstances of the land hereby granted, and of which he is to take notice, and not to allege or plead ignorance, under the penalties imposed on the same in case of contravention. In consequence of which, I have ordained these presents to be delivered to him, signed with my hand, sealed with my seal of arms, and countersigned by the undersigned scrivener of the royal finances, who with the contadory principal shall take cognizance of these dispositions.

Given at New Orleans, the twenty-eighth day of April, one thousand eight hundred and two.

JUAN VENTURA MORALES.

By order of the Intendant:

CHARLES XIMENES.

In the office under my charge, I have recorded the foregoing title, from page 30 to the following page 40, in the book of this office, date above.

XIMENES.

Knowledge was taken, in the contadory principal of the ministry of the royal finances under our charges, of the within title, and recorded page nine and following. New Orleans, April twenty-eighth, one thousand eight hundred and two.

GILBERTO LEONARD
MAN'L ARMIREZ.

LETTER U.—(TRANSLATION.)

Upper Louisiana, District of St. Louis of Illinois.

(Follows the plat of survey.)

We, the undersigned, Captain of militia of his Catholic Majesty, Surveyor commissioned by the Government for the district of St. Louis and New Madrid, that on this day, by virtue of an order from Zenon Trudeau, Lieutenant Colonel, Captain of the Regiment of Louisiana, and Lieutenant

Governor of the western part of Illinois, we personally went on the land of Mr. Charles Gratiot, merchant and inhabitant of this town, in order to make measurement and survey of a tract of land to him granted (by Mr. Francis Cruzate, late Lieutenant Governor of this western part of Illinois, under date of February 14, 1785) of 84 arpents in front, by 80 arpents in the rear, or 6,720 arpents in superficies, which measurement was made in the presence of the proprietor, with the perch of the city of Paris, which contains eighteen French feet in length, according to the custom of this colony, which land is situated at the end of lands of forty arpents lots of Barriere Denoyers, and distant from this town about a league and a half, and about S. W. $\frac{1}{2}$ W. from said city, the said front bounded by lands of said Barriere Denoyers, belonging to several individuals; which land of said Charles Gratiot has been bounded every twenty arpents with stones stuck in the ground about a foot deep, and at least three feet high: the trees on the lines have been blazed, and marked C. G. In testimony whereof, we have delivered him these presents, with the annexed figurative plat of survey, where we have marked the natural and artificial boundaries.

ANTONIO SOULARD.

St. Louis, *May 17, 1796.*

Approved,

ZENON TRUDEAU.

Recorded, Book A, fol. 26 and 27, No. 55.

Don Manuel Gayoso de Lemos, Brigadier of the Royal Armies, Governor General, Vice Patron Royal of the Provinces of Louisiana and Western Florida, and Inspector of the troops thereof, &c. Having examined the diligence made use of by the particular Surveyor, Don Anthony Soulard, on the possession by him given to Don Carlos Gratiot, of the quantity of six thousand seven hundred and twenty arpents of land in superficies, situated in the settlements of Illinois, on the rear of the lands of forty arpents, which begins the Barriere, called Denoyers, distant a league and a half S. S. W. $\frac{1}{2}$ W. of the sort, bounded on the other side by vacant lands, as appears by the preceding figurative plat, and acknowledging that it is conformable to the rules of survey, that it does not prejudice any body, and no one having laid any claim to it, using of the faculty vested in me by the King, and in his royal name we do grant to the said Charles Gratiot the aforesaid six thousand seven hundred and twenty arpents of land in superficies. In order that he may dispose and enjoy the same as thing to him appertaining, conforming himself to the said diligence, and observing the conditions imposed by the regulations on that subject, we give him these presents, signed with our hand, and sealed with the seal of our arms, and countersigned by the undersigned Secretary of his Majesty for this Government. New Orleans, April second, one thousand seven hundred and ninety-eight.

MANUEL GAYOSO DE LEMOS.

By order of his Lordship:

ANDRES LOPEZ ARMESTO.

(Recorded.)

[Plat omitted.]

LETTER V.

The survey of Antoine Soulard's unconfirmed claim of 10,000 arpents on Cuivre commences at a point in the N. E. $\frac{1}{4}$ of section 25, T. north

range 3 west; and runs thence N. 68 E. 317 chains 8 links, to a point in the N. E. $\frac{1}{4}$ of section 14, township 51 N., range 2 W.; thence N. 22 W. 214, 16 chains, to a point in the S. E. $\frac{1}{4}$ of section 34, T. 52 N., R. 2 W. thence south 68 W. 317, 06 chains to a point in the S. E. $\frac{1}{4}$ of section 11, T. 51 north, range 3 west; thence S. 22 E. 214, 16 chains, to the place of beginning.

WILLIAM MILBURN.

LETTER W.

Land Office, Register's Office, St. Louis, Mo.

I, William Christy, Register of the land office for the district of St. Louis, in the State of Missouri, do hereby certify that the list on the right hand side of this paper exhibits all the lands sold in this office, and not relinquished, covered by Antoine Soulard's unconfirmed Spanish claim of ten thousand arpents, and that the several tracts sold as aforesaid contain one thousand nine hundred and forty-seven acres and thirty-five hundredths of an acre. Given under my hand this twenty-ninth day of November, Anno Domini one thousand eight hundred and twenty-four.

WILLIAM CHRISTY, *Register.*

Lands sold and not relinquished, covered by Antoine Soulard's unconfirmed Spanish claim of 10,000 arpents, viz:

		<i>Acres.</i>
B. W. qr. of sec. 4 T. 51, R. 2 W.	160	sold to Jo. McCoy, August 12, 1818.
E. $\frac{1}{2}$ S. E.	5	80 Do. Do.
Part N. W. qr.	7	145 Meredith Cox, May 28, 1819.
S. W. qr.	7	234.15 Samuel Denny, Aug. 12, 1818.
S. E. qr.	7	160 Meredith Cox, October 15, 1818.
W. $\frac{1}{2}$ N. W.	8	80 Hugh Barnett, April 21, 1818.
E. $\frac{1}{2}$ S. W.	9	80 Nicholas Wells, November 24, 1818.
S. E. qr.	9	160 James Wells, August 12, 1818.
N. E. qr.	18	160 Quinton Moore, September 15, 1818.
N. W. qr.	17	160 Hugh Barnett, August 12, 1818.
S. E. qr.	17	160 J. Lewis, and J. Watts, do.
Part N. E. qr. 12 T. 51, R. 3 W.		William Elgin, do.
Part S. W. qr.	13	300 James Lewis, August 12, 1818.
Part S. E. qr.	12	William Elgin, do.
Part E. $\frac{1}{2}$ S. W. qr. 13		68 George Seily, April 18, 1820.

1947.35 acres.

The Judge's decree in this cause is in the following words:

"And thereupon this cause was continued under advisement, from term to term, until the December term of said court, being the fourth Monday of December, in the year of our Lord one thousand eight hundred and twenty-five, at which day, the said cause coming on to be debated and heard in the presence of the counsel for the petitioners, and of the Attorney of the United States for the district of Missouri on the petition, the answer, and the testimony, which is embodied in the record, it appears that the petition sets forth, in substance, that some time in the month of April, one thousand seven hundred and ninety-six, Antoine Soulard, the ancestor of the present petitioners, being then a resident of the province of Upper Louisiana, and Surveyor General of the same, under the Spanish Government, presented his petition to the then Lieutenant Governor of said province, Don Zenon Trudeau, praying the grant of a tract of ten thousand arpents of land, to be located on any vacant part of the royal domain. That, in compliance

with the said petition, and in order to remunerate the services of said petitioner, the said Don Zenon Trudeau, Lieutenant Governor, did, about the year aforesaid, grant to the said petitioner ten thousand arpents of land, and the said decree of concession did order the said quantity to be located and surveyed on any vacant part of the royal domain in said province, at the election of said petitioner. That the said quantity of land was, afterwards, on the twentieth day of February, one thousand eight hundred and four, surveyed and located by the deputy surveyor, Don Santiago Rankin, on a vacant part of the public land, situate about fifteen miles west of the Mississippi river, and seventy miles north of the town of St. Louis, on a branch of the river Cuivre, and bounded as follows: commencing at a point in the northeast quarter of section twenty-five, township fifty-one north, range three west; runs thence north sixty-eight east, three hundred and seventeen chains eight links, to a point in the northeast quarter of section fourteen, township fifty-one north, range two west; thence north twenty-two west, two hundred and fourteen chains and sixteen links, to a point in the southeast quarter of section thirty-four, township fifty-two north, range two west; thence south sixty-eight west, three hundred and seventeen chains and eight links, to a point in the southeast quarter of section eleven, township fifty-one north, range three west; thence south twenty-two east, two hundred and fourteen chains sixteen links, to the place of beginning. And that a certificate of said survey was duly made and recorded in the book of record of surveys kept by the said petitioner as surveyor as aforesaid. That, before the time when claims should have been filed, pursuant to the act of Congress of the second of March, one thousand eight hundred and five, the said decree of concession and certificate of survey were, by mistake, thrown into the fire, and destroyed. That, in consequence of the destruction of said concession and certificate of survey, the said petitioner considered that he was excluded from the benefit of the act of Congress passed for the relief of land claimants, and omitted to file any notice of his claim, and has thereby been deprived of the benefit of the laws heretofore passed by Congress. That, of the said tract of land, one thousand nine hundred and forty-seven acres and thirty-five hundredths of an acre have been sold by the United States, and that the residue of the said tract is not claimed or possessed by any person other than the petitioner; and that the same has been reserved from public sale until the final adjudication thereon by the proper tribunal. The petitioner prays that the validity of his said claim may be inquired into and decided, and that his claim and title may be confirmed to all that part of the said tract which has not been sold as aforesaid by the United States; and that he be authorized to enter, in any of the land offices in the State of Missouri, the quantity of one thousand nine hundred and forty-seven acres and thirty-five hundredths of an acre of land, the quantity sold as aforesaid by the United States. It appears also, that, on the 17th day of March, one thousand eight hundred and twenty-five, Julie Soulard, widow of the said petitioner, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs at law of the said petitioner, filed their petition, setting forth that the said Antoine Soulard, after having filed and prosecuted his said petition, died, leaving the said widow and children his only heirs and legal representatives, and praying that the said cause might be revived, and stand in their names against the United States; and the Attorney of the United States freely ad-

mitting all the facts set forth in the petition of the said widow and children, the said cause was revived accordingly.

“And it also appearing that the answer of the Attorney of the United States sets forth in substance that he is wholly uninformed of all the matters and things in the said petition of Antoine Soulard, revived as aforesaid, contained, and therefore that he does not admit the same to be true, and that he prays the court that the said petitioners may be held and required to prove all such facts, matters, and things, the existence whereof is or may be deemed necessary to the confirmation of the said claims. And moreover, that the said petitioners may be required and compelled to produce and show to the court, the law, usage, or custom, by force and virtue whereof the said claim can or ought to be confirmed. And it further appearing, by the finding of the jury empannelled to try the issue directed in this cause, that such concession was made to the said Antoine Soulard, as in the said petition is stated: and it also appearing in evidence offered on the part of the said petitioners, that a survey of the said land was made, and a plat thereof recorded, as in the said petition is stated, and that it was the practice of the Lieutenant Governors of Upper Louisiana to make concessions of land, in virtue of their office as such Governors, and not in virtue of any commission as subdelegate: and after debate of the matters aforesaid, and the court having inquired into the validity of the title of the said petitioners; and for that it appears to the court that no grant of the King's domain could have been legally made, unless made in virtue of some law or authority from him; and for that the regulations of Count O'Reilly, of the eighteenth of February, in the year one thousand seven hundred and seventy, and of Governor Gayoso, of the ninth of September, one thousand seven hundred and ninety-seven, and of Morales, the Intendant, of the seventeenth of July, one thousand seven hundred and ninety-nine, exhibit a general intention and policy on the part of the Spanish Government, in relation to the disposition of the public domain, which excludes every reasonable supposition of the existence of any law, usage, or custom, under and in conformity to which the alleged concession might have been perfected into a complete title, had not the sovereignty of the country been transferred to the United States; and for that the principles, commands, and prohibitions, in those regulations contained, are not to be reconciled with any idea of the legality of the said concession, and are incompatible with the existence of any law, usage, or custom, in conformity with which the said concession might have been confirmed, had no change of sovereignty taken place; the court doth therefore find the alleged concession and claim of the petitioners to be illegal in its origin, and invalid, and doth therefore decide, adjudge, and decree against the validity of the same; and doth further order, adjudge, and decree, that the said petitioners pay all costs and charges occasioned in and about the prosecution and defence of this suit; and thereupon the said petitioners, by their attorney aforesaid, pray that they may appeal from the judgment aforesaid of the court here, so as aforesaid rendered, to the Supreme Court of the United States, and to them the same is granted by the court here.”

It will be contended, on behalf of the United States, that the decree of the District Judge ought to be affirmed.

WM. WIRT,
For the United States.

The following is the opinion at large of Judge Peck, on the foregoing case, extracted from *The Missouri Republican*:

COURT OF THE UNITED STATES FOR THE STATE OF MISSOURI.

PECK, JUDGE.

James G. Soulard and others }

vs.

The United States. }

This is a petition under the act of Congress of the 26th May, 1824, which authorizes certain claimants of lands to institute proceedings in this court, to try the validity of their claims, to obtain confirmations thereof.

The petition states, that, in the year 1796, a concession for 10,000 arpents of land, to be located on any part of the royal domain, was issued by Don Zenon Trudeau, Lieutenant Governor of the province of Upper Louisiana, to Antoine Soulard, the ancestor of the petitioners, who was then the Surveyor General of said province, in consideration of *public services*: that, on the 20th of February, 1804, the quantity of land, as conceded, was located and surveyed by Don Santiago Rankin, Deputy Surveyor under said Soulard, and that a certificate of said survey was recorded in the book of records of the public surveys kept by the Surveyor General; that, before the time when claims should have been filed, pursuant to the act of Congress of the 2d of March, 1805, the said decree of concession and certificate of survey were, by mistake, thrown into the fire, and destroyed; and that said Soulard, believing he was excluded from the benefit of any of the acts of Congress passed for the relief of land claimants, in consequence of the loss of said papers, omitted to file any notice of said claim, and that he had consequently derived no benefit of any of the laws of Congress theretofore passed for the relief of land claimants.

A jury, to whom the court had submitted that fact for trial, found that a concession, as above stated, had issued to the ancestor of the petitioners. No settlement or improvement is alleged, nor any thing in relation to those qualifications of the grantee, as to property, which are required by the regulations. This statement of facts is all that is necessary to be prefixed to the opinion of the court.

A mass of evidence was offered, on the hearing of the cause; but, except that which is adverted to, and stated in the opinion, no part of it is material.

OPINION OF THE COURT.

The interests to be affected by the decision of the questions arising in this case are extensive. The questions themselves are novel. There is nothing in relation to them which can be regarded in the nature of a precedent, or authority to influence their decision. They are now, for the first time, without any light from this source, presented for judicial determination. In their investigation, it is necessary to explore an extensive field; a region of waste, where darkness obscures, and labyrinths embarrass; where the desolating hand of revolution and of time has removed many of those landmarks which, at any time, were scarcely distinguishable. Hesitation and distrust, therefore, must reasonably accompany the inquiry.

What were the laws which regulated the disposition of the King's domain, at the date of the alleged concession, is a question, first in order for examination.

It is contended, on behalf of the petitioners, that the 81st article of the ordinance of the King of Spain became in force in Louisiana immediately on the ratification of the treaty of Fontainebleau, of the 3d of November, 1762; or, at all events, on the occupation of Louisiana by Spain in 1763, under that treaty.

The assumption, that this article of the ordinance became in force in Louisiana, as contended for, either as it is attempted to be supported by the law of nations, or by the proclamation of Count O'Reilly, Governor General, appears to be without foundation.

By the law of nations, the ancient laws of a ceded country continue in force until changed by the new sovereign. But this principle does not apply to those laws which a sovereign may have thought necessary to establish for the purpose of regulating the manner in which the royal lands should be disposed of. It is a principle which applies to the municipal regulations of a country in general, and is necessary to the preservation of order, the protection of rights, and the redress of injuries. A different rule would be productive of great inconvenience. If a change of sovereignty, of itself, introduced the laws of the new sovereign, the consequence would be, that the inhabitants of a ceded country must often become subject to laws which they had not the means of knowing, which might be locked up in a foreign language, and of which there could have been no promulgation. These reasons, upon which, doubtless, the principle of the law of nations adverted to was established, do not exist in favor of the establishment of the same principle in relation to those laws which may regulate the disposition of the sovereign's domain. These are excepted from the operation of the general principle of the law of nations here laid down. Each sovereign disposes of his royal lands in such manner as he may think proper. He may grant them from under his own hand, or he may adopt the more convenient and judicious mode of delegating to others the power to grant them, subject to such instructions or laws as to him may appear expedient. But when a sovereign disposes of territory by treaty, he thereby parts with the right to grant lands in such territory, the title to them having passed by such treaty to another; and the authority of all persons whom he may have authorized to grant lands for him ceases with his own; and all laws relating thereto become inoperative, the subject upon which they were to operate, namely, the *title* of the sovereign, having been transferred to another.

The consequence which follows this is, not that those laws of the new sovereign, which should regulate the sale of his royal lands, would be thereby introduced into the ceded country, but that no laws whatever, in relation to that subject, would be in force there; and, therefore, that no lands could be there granted, except by the sovereign himself, until he should provide therefor by law or otherwise.

It is possible for the legislative power of a Government so to form its laws, as to make them extend to, and be in force in, countries thereafter to be acquired. This is a possible exercise of power, to which every Government is competent. It is said by Mr. Livingston in his answer to Mr. Jefferson, in the discussion of the question of title to the Batture at New Orleans, that this was done by Spain, in relation to her American possessions thereafter to be acquired. His words are: "A code had long been prepared for the Government of the Spanish Colonies in the *Indies*, by which name they designated all their American possessions. It is called the *Recopilacion de las leyes de las Indias*. It introduces the law of Castile, that of the Pa-

of Toro, that is to say, the whole body of the laws of Spain, in all cases not provided for by the laws of the Indies; and declares that the laws of that collection shall prevail in all the Spanish colonies, as well those then established, as those which might in future be discovered or established."

"The moment, then, that Louisiana became a Spanish province, it was subjected, *de jure*, to the system of laws I have described; and, *de facto*, no other has had the slightest authority since the transfer."—(5th Am. Law Jour. p. 143.)

That such a code as is here described was prepared by the Spanish monarch for his American dominions, is certain; and that it was the intention that this code should prevail in all the Spanish possessions in America, may likewise be admitted; but it by no means follows, that it was to prevail in all countries in America, which might thereafter be *annexed to the Spanish dominions by treaty, immediately on the ratification thereof, without any further act on the part of the Spanish Government to extend it to such acquired countries*; that it was to prevail in countries which, at the date of such annexation, should be inhabited, and provided with laws; in countries, whose language and laws should be foreign to such code; in countries, where, from this cause, as well as for want of promulgation, the means of knowledge of the laws contained in such code had not been afforded. The intention of this legislative declaration is sufficiently satisfied by allowing it to extend the laws to which it has reference to all the then Spanish colonies in America, and to such as might thereafter be established in the said dominions, as well in countries then discovered, as in those thereafter to be discovered; and by allowing it also to express an intention, that the code was to be adapted to, and to prevail in, all the Spanish possessions in America, as well those acquired by treaty as others; but with respect to the former, that they should be extended there, and made to prevail there, by an act of the Government competent for such purpose, *after* such annexation by treaty.

A view of the Spanish dominions in America, at the date at which the code was given, favors the construction here contended for. The words themselves do not embrace the case of an acquired colony. It is scarcely to be supposed that such a case was intended by the law-giving power to be embraced by them. Shall we allow a sense and interpretation, a comprehension, to words, beyond their necessary and proper import? Shall we do this in derogation of the principle of international law before mentioned, in violation of those maxims of justice that should receive a universal recognition? If this construction be not correct, at what point of time was the code of the *Indies* to be regarded as in force in Louisiana? Was it to be regarded as in force, there immediately on the occupation of the country by Spain, and without any promulgation or translation of them? Or was some further act necessary on the part of Spain to introduce them there? This question must be answered in the affirmative. I do not, therefore, hesitate to deny to the words quoted by Mr. Livingston the effect which he imputes to them. The construction here given agrees with that given by the Spanish Government itself, so far, as the acts of that Government furnish any construction.

When Spain took possession of Louisiana, in 1769, after the cession to her by France, no magic influence followed this act; the laws of the country were not thereby changed, nor had they been changed by the ratification of the treaty in 1762. This change remained to be produced by an act of sovereign power on the part of the Spanish Government.

Accordingly, Count O'Reily, clothed with extraordinary powers as the head of a military force, and as the Governor General of Louisiana, by proclamation, made immediately after his occupation of Louisiana, and the provisions therein mentioned, abolished the then existing form of government, and established a new one; abrogated the ancient laws, and introduced a new code in of the *Indies*, and took measures to provide the inhabitants with the means of becoming acquainted therewith. The code itself is introduced in the following terms; and it was clearly no part of the intention of that proclamation to introduce the 81st article of the ordinance of 1754, but only to introduce that portion of the *code of the Indies* which was of a general nature, and not that which had relation, exclusively, to the sale and grant of the lands of the crown. It was not until the following year that O'Reily directed his attention to this subject. On the 18th of February, 1770, he published a set of regulations, prescribing the terms and conditions upon which lands should be granted.

It is manifest, from these regulations, that O'Reily did not consider the 81st article of the ordinance mentioned to be in force in Louisiana. He does not pretend to derive his authority to grant lands from that ordinance, but he assumes the exercise of that power as one among those given by his commission.

We have the testimony of *Morales*, the Intendant, in the preamble to his regulations, that the power to grant lands belonged to the civil and military government, after the order of the King of Spain; that is, in virtue of the order of the 24th of August, 1770, the powers of the civil and military government both centered in the Governor General. To him belonged the power to divide and grant lands in virtue of this order.

If the 81st article of the ordinance of 1754 had been introduced into Louisiana by the law of nations, in virtue of the treaty, or by the legislative declaration contained in the code of the *Indies*, or by the proclamation of O'Reily, and if it also authorized the Governor General of Louisiana to grant lands, why did O'Reily think it necessary to derive this power from the special terms of his commission? And why was a special order of the King deemed necessary for this purpose?

Morales, the Intendant, in the preamble to his regulations, after reciting the power to distribute lands which had been given to the Intendency by the decree of the King of Spain, of 1798, proceeds to state the manner in which he intends to exercise that trust thus: "Wishing to perform this important charge, not only according to the 81st article of the ordinance of the Intendants of New Spain, of the regulations of the year 1754, cited in the said article, and the laws respecting it; but also with regard to local circumstances, and those which may, without injury to the interests of the King, contribute to the encouragement and to the greatest good of his subjects, already established, or who may establish themselves, in this part of his possessions." If the 81st article of the ordinance mentioned were in force in Louisiana, it was a law obligatory upon *Morales*, the Intendant; a command to him, and from which he could not legally depart. How, then, could he perform this important charge "with regard to local circumstances, and those which may, without injury to the interests of the King, contribute to the encouragement and to the greatest good of his subjects?"

It must be that the Intendant here considers the ordinance of 1754 in force only by his adoption, and expresses his intention to adopt it so far as

rather than local circumstances should make it expedient. The regulations of *O'Reilly*, of *Gayoso*, and of *Morales*, in their provisions, and the general policy in which they are dictated, are, moreover, so repugnant to the ordinance of 1754, as conclusively to show that the latter was not in force in Louisiana, in the opinion of the framers of these regulations; for if the ordinance was in force in Louisiana, and the Governor General derived authority to grant lands from the 12th section of it, he certainly could annul the provisions of that ordinance, from which he derived his authority by making regulations repugnant thereto.

A comparison of the provisions of this ordinance with those of the regulations mentioned will show that there exists a general repugnancy between them; and an examination of the former will also show, that, if it be regarded as having been in force in Louisiana, no concession issued by the Lieutenant Governor or Commandant can be considered authorized or valid.

The 1st section of the ordinance of 1754 provides, "That, from the date of this my royal order, the power of appointing subdelegate judges to sell and compromise for the lands and uncultivated parts of the said dominions shall belong hereafter exclusively to the viceroys and presidents of my royal audiencias of those kingdoms, who shall send them their appointment or commission, with an authentic copy of this regulation.

The said viceroys and presidents shall be obliged to give immediate notice to the Secretary of State and Universal Despatch of the Indies, of the names of the officers whom they shall make subdelegates in their respective districts or places where they have been usually appointed, or where it may seem necessary to appoint new ones, for his approbation.

Those at present exercising this commission shall continue. These, and those whom the said viceroys and presidents shall hereafter appoint, may subdelegate their commission to others, for the distant parts and provinces of their stations, as was previously done."

This section prescribes the authority by which alone a subdelegate can be appointed. It gives to the viceroys and presidents of the audiencias the exclusive power of making those appointments, makes them the exclusives of the places and districts where such appointments may be necessary, and vests the subdelegates with power to subdelegate their commissions to others for the distant provinces and places of their stations.

Had the Lieutenant Governor of Upper Louisiana his appointment as subdelegate from the viceroys or presidents of the audiencias, or had he a delegation from one so appointed? It has been proved on behalf of the petitioners that he had not. The evidence of the late Lieutenant Governor of Upper Louisiana, to this point, is, that he and his predecessors acted as subdelegates, without any commission as such; that he and they performed the functions of that office in virtue of their commission as Lieutenant Governor, which issued from the Governor General of Louisiana; that the practice in other parts of the province, in this respect, was the same as in Upper Louisiana; in all, the Lieutenant Governors were, *ex officio*, subdelegates.

An appointment from the viceroys or presidents of the audiencias of the Lieutenant Governor to be subdelegate, is not permitted to be inferred from the performance of the duties of that office; the absence of such appointment, as well as the authority in virtue of which the duties of the office were performed, having been proved. According to this evidence, the Lieutenant Governor of Upper Louisiana was not a subdelegate within the intention of the ordinance. Nothing can be more clear, than that a concession of lands

by a Lieutenant Governor, who had not been appointed, the authority prescribed in the recited section of the ordinance is not allowed to possess any validity if that ordinance be considered as not in force. The 12th section of this ordinance, which is relied upon by half of the petitioners, as authorizing grants of land in Louisiana, by the Governor General, does not vest that officer with power to appoint advocates, this power having been exclusively given, by the 1st section, to the viceroys and presidents of the audiencias, but vests him with precisely the same power and jurisdiction, in relation to the sale and grant of lands, as had been given in previous sections to the audiencias, and directs, in addition, that certain other officers shall be associated with him, by whose advice and confirmations are to issue.

The 12th section is in these words: "In the distant provinces of the Audiencias, or where the sea intervenes, as Caraccas, Habanas, Carthagena, Buenos Ayres, Panama, Yucatan, Camana, Margarita, Puerto Rico, and other of like situation, confirmation shall be issued by their Governors, with the advice of the oficiales reales, (King's Fiscal Minister,) and of the Lieutenant General Letrado where he may be stationed. The same officers shall also determine the appeals from the subdelegate, who shall have been appointed in each one of the said provinces and islands, with the course being had to the audiencia, or chancery of the district, unless two decisions be at variance, and then this is to be officially, and by the consultation, to avoid the expenses of appeal. Wherever there shall be two oficiales reales, the younger in office shall be the advocate of the royal treasury in these causes, and the elder the associate judge of the Governor, or the aid of counsel where there is no auditor or Lieutenant Governor, and where the question is a point of law, by applying to any lawyer within or without the district. And where there shall be but one official real, any intelligent person of the place may be appointed as the advocate of the royal treasury."

"It shall also be the duty of the governors, with their appropriate officers, to examine concerning the compositions of the subdelegates as provided in respect to the audiencias."

The 5th section, which prescribes duties to the audiencias, and the officers to whom the power of confirmation is given by the ordinance, in relation to the governors mentioned in the 12th section, is in these words: "The possessors of lands sold or compromised for by the respective subdelegates from the said year 1700 to the present time, shall not be molested, disturbed, nor informed against now, nor at any time, if it shall appear that they have been confirmed by my royal person, or by the viceroys and presidents of the respective districts, while in office; but those who shall not have held their lands without this necessary requisite, shall apply for the confirmation to the audiencias of their district, and to the other officers to whom this power is conferred by the present regulation. These authorities, having examined the proceedings of the subdelegates, in ascertaining the quantity and value of the lands in question, and the patent that may have been issued for them, shall determine whether the sale or composition was made without fraud or collusion, and at reasonable prices. This shall be done with the judgment and advice of the fiscals; after considering the circumstance, and the price of the sale or composition, and the respective dues of 'medianata' (first fruits of the half year) appearing to have been paid into the royal treasury, and the King's money being again paid, and the amount that may seem proper, the confirmation of the patents of pos-

se lands shall be given in my royal name, by which the property and in said lands shall be rendered legal as well as in the waters and un-
 ited parts, and they and their successors, general and particular, shall
 molested therein."

addition to the duties prescribed in this section, the 9th prescribes,
 "the audiencias shall issue the confirmations by provinces, and in my
 name, after an examination by the fiscal, as before said, without greater
 expense to the parties than what is required by the regulated prices
 in the act.

for this purpose they are to collect from the subdelegates of their dis-
 tinct proceedings that have taken place in the sale or composition of
 lands for which confirmation shall be required. With these, and in propor-
 tion to the estimated value of the lands, and considering, at the same time,
 the benefit which it was my pleasure to grant to these my subjects, by re-
 leasing them from the expense of applying to my royal person, they shall
 return the sum to be paid me for this new favor."

these sections no power is given to the audiencias, or to the Govern-
 ment to appoint subdelegates. But the intention to make sales, and not
 the conveyance of lands, which is perceivable in them, furnishes ground for a further
 objection to the validity of the concession in this case, if the ordinance ex-
 tended to Louisiana. By these sections, no confirmations are to be made,
 either upon sales, or compromises, for a consideration in money, propor-
 tioned to the estimated value of the land, the payment of which consider-
 ation is to precede the confirmation; and in addition to being compelled
 to pay the value of the land, the purchaser is required to pay the dues of
quinto and *diezmo*, (first fruits of the half year,) and also to pay for the favor which
 the royal pleasure to confer in relieving him from the expense of
 applying to the royal person to obtain confirmation.

The laws 14 and 15, cited in the second section of the ordinance, the
 contents of which laws are there directed to be regarded, show that the
 king's general intention is to sell his lands. In the former of these laws he
 says, that, "As we have succeeded to the entire seignory of the Indies,
 all the lands and soil that have not been granted away by the kings,
 predecessors, or by us in our name, belonging to our *patrimony*, and
 to the royal crown, it is proper that all lands, held under false and illegal
 titles, should be restored to us; and that all the land that shall remain, after
 reserving what may be necessary for constructions, commons, and pasturages,
 in the places which are necessary, not only for the present, but for the
 future, and after distributing to the Indians what may be necessary for till-
 age and herding, confirming the land they now hold, and granting them
 the right to sell, shall be free for grants and dispositions thereof, at our pleasure," &c.
 In the 15th law, after having, among other things, directed an adjust-
 ment of titles, it is directed that "all the lands that shall remain to be ad-
 justed shall be offered at public sale, and knocked down to the highest
 bidder," &c.

The 8th section of the ordinance directs that "a proper reward shall be
 granted to those who shall inform of lands, grounds, places, waters, and of
 cultivated and desert lands, and shall be allowed a moderate portion of
 the land of which they shall have informed as being occupied without title;
 the section having authorized the subdelegates to determine the quanti-
 ty to be granted for such service.

mercedes, to be found in its preamble, produces no difficulty. The in which that *term* must be received, is to be determined by a view of the whole ordinance; it need not necessarily be interpreted to mean gifts, but may as well be interpreted to mean grants. If, however, it necessarily imports gifts, effect is sufficiently given to it in this sense, by the gifts made to the inhabitants of towns for commons and pasturage, and made to the Indians, as directed in the 14th and 15th laws before adverted to.

If, then, this ordinance was to be made the basis upon which the right of confirmation in this case should be determined, the claim could not be supported on the ground that the concession was not made upon a *salvo* of *money*, and at the *reasonable value* of the land, but was made in consideration of *public services*—a consideration unknown to the ordinance, and in the case of an *informe*, as authorized in the 4th and 8th sections, lands are authorized to be adjudged in moderate quantities to those who give information of them as being occupied without title. This is the only species of *service* for which this ordinance authorizes a concession. It is the only case in which a subdelegate is made the judge of the value of the services. He is not made the judge of the value of services of the kind of those upon which the concession in question is alleged to have been made.

From this examination it will appear to be the interest of the claimant to deprecate a decision which is to make this ordinance the rule by which the rights are to be tried. The repugnancy between this ordinance, on the one hand, and the regulations of O'Reily, Gayoso, and Morales, on the other, are apparent in the end and objects of each, and in their respective *provisions*. To raise a *revenue* was the leading object of the former, and the *improvement of the lands* the means to be used for its accomplishment; and the *settling of the country and interests of tillage* were the objects of the latter; *provisions of land* were the means to be used for securing these objects. The repugnancy is such that both cannot exist together; one must give way to the other; one must be regarded as void of authority.

made in pursuance of those regulations, and which, it is reasonable to believe, were made with the knowledge of the Spanish court; and is further supported by the recital contained in the preamble to the regulations of Morales, that the *power to grant lands belonged to the civil and military government since the order of the King of 1770*. What this order was, what power, what discretion it vested in the Governor General in making grants of the royal domain, and what restrictions it imposed, is left to be ascertained (in the absence of the order) from the regulations themselves, and the other acts of the Governor General under it. In relation to these regulations, they may be regarded as rules which the Governors prescribed to themselves and to the inhabitants of the province, and bear evidence that they had their source in a discretionary power. They are, therefore, to be regarded as laws in respect of the subject which they regulate; this conclusion follows from what has been said, and is consistent with a doctrine already laid down, that no grant of the public domain can be regarded as legal, except made in virtue of an authority from the crown—such authority, in this instance, being presumed. That the regulations of O'Reily are of a date anterior to the order of the King of 1770 does not appear to affect their authority. There would not, necessarily, be such a repugnancy between this order and those regulations as to annul the latter. The subsequent sanction of these, and the presumption of their being authorized, thence arising, must be considered sufficient to give them the authority of law, whether the power to make them was comprised in the general and extraordinary powers given to the Governor General O'Reily, previous to the order of 1770, or not.

From what has been said, it appears that the regulations of O'Reily, of Gayoso, and of Morales, are the *only laws* which regulated the distribution of lands in Louisiana, under the Spanish Government. Was the concession, in this case, authorized by these laws? It is not pretended that it was; and that it was not, is unquestionable. But it is insisted for the petitioners that the regulations of O'Reily did not extend to Upper Louisiana, and that those of Gayoso and of Morales, being of a date subsequent to the concession, ought not to affect it; that if the regulations did not authorize this concession, they did not prohibit it; and that, as it is not prohibited, a presumption arises in favor of its legality; that this presumption sustains the validity of the concession, and is sufficient to authorize its confirmation by this court.

In examining this reasoning, if it be admitted that the concession of an inferior officer is to be considered as *prima facie* authorized, this presumption, like all others, can stand only so long as it shall remain unopposed by evidence or presumptions of a higher nature. A presumption can weigh only so far as it is calculated to induce belief; and so soon as it shall cease to do this, in consequence of the existence of facts inconsistent with such belief, it ceases to make a *prima facie* case; ceases to furnish ground upon which a decision can rest. The presumption which arises in favor of the validity of the acts of the supreme authority, especially such as the enactment of regulations, and the acknowledgment of the authority of these for a series of years, is of a higher nature than that which arises in favor of the legality of a single act, or even a series of acts, such as concessions of land by the Lieutenant Governor, particularly when these acts are to be subject to the approval and confirmation of that supreme authority which gave those laws that were to regulate the subject of concessions.

Upon what reason is it to be believed that the Governor General intended to authorize grants of land in Upper Louisiana upon principles different from those upon which grants were to be made in every other part of the province? Upon what reason were grants of land to be limited in quantity in Nachitoches, Attakapas, and Opelousas, and unlimited in Upper Louisiana? And what policy dictated the limitation of grants in the latter place to 800 arpents, which we find in the 9th and 10th sections of Gayoso's regulations, and in the 1st section of the regulations of Morales, if, before these regulations, there was no reason for a limitation? Was not the extension of settlement, and the cultivation of the soil, as much to be encouraged by the distribution of lands in Upper Louisiana as elsewhere in the province? Why, in Upper Louisiana, should grants have been made without regard to the means of the cultivator, or without regard to any cultivation whatever, when these particulars were to be attended to with strictness in every other part of the province? The regulations of O'Reily were made for the entire province; they were made, as we are informed in the preamble to them, in consequence of petitions from the inhabitants, and of the information derived by the Governor in his visit through the country, and in consequence of the reports of the inhabitants assembled in each district by the Governor's order. They were made to "fix the extent of the grants of lands which should thereafter be made, as well as the enclosures," &c. Many of the articles in the regulations refer to particular places; and have a local application merely; but the same policy, namely, the extension of the settlements and the interests of agriculture, dictated them all.

The regulations having, in previous sections, authorized small grants to be made, in proportion to the means of the cultivator, the 8th section directs that "no grant in the Opelousas, Attakapas, and Nachitoches, shall exceed one league in front by one league in depth, but when the land granted shall not have that depth, a league and a half in front by half a league in depth may be granted;" and the 9th article directs, that, "to obtain in the Opelousas, Attakapas, and Nachitoches, a grant of forty-two arpents in front by forty-two arpents in depth, the applicant must make appear that he is possessor of one hundred head of tame cattle, some horses and sheep, and two slaves to look after them—a proportion which shall always be observed for the grants to be made of greater extent than that declared in the preceding article."

It would appear that the policy apparent in O'Reily's regulations did extend itself to the province of Upper Louisiana. But it is a mistake to suppose that a prohibition was necessary to deprive the Lieutenant Governor of the power of making grants, and that, without a prohibition, his grant would be valid. The reverse of this is true; his grants are invalid unless authorized by an express authority from the King, either as derived through the Governor General in the form of laws, or otherwise. Can it be believed that there existed an express authority which authorized this grant of 10,000 arpents, without any reference to settlement, cultivation, or property qualifications? The view which has been taken excludes such belief, and with it every presumption in favor of the legality of the concession.

But the evidence of the late Lieutenant Governor is introduced to prove that, in Upper Louisiana, that officer was unrestricted as to quantity, though the witness does not pretend that he had any authority, other than the law, to make such concessions. The amount of his evidence is, that the law clothed him, as Lieutenant Governor, with power to make concessions, and

imposed no limitation as to the extent of the grant. Does the witness mean to prove that there existed any *unwritten law*, in virtue of which the officer mentioned, or any other officer of the crown, was authorized to make grants of the royal domain? If he does, the evidence is untrue. It may be assumed with certainty, that *no unwritten law, no principle of the Spanish Constitution*, gives to any officer of the crown the power to grant the royal lands; and that such power, to be legitimate, must be derived from some authority other than the Constitution of Spain, or any unwritten law, usage, or custom. An express *written authority* was indispensably necessary to authorize the Lieutenant Governor of Upper Louisiana to grant lands. The existence of such authority might be inferred from circumstances, but its existence is indispensable to the validity of a grant. Can it be inferred, in this case, that there existed a written authority, in the nature of a law or otherwise, in virtue of which the Lieutenant Governor of Upper Louisiana could grant lands without regard to settlement, cultivation, the means of the cultivator, or the extent of the grant? It cannot, because the general law, as well as the general policy of the Spanish Government, as evinced in all the regulations mentioned, is at war with such inference. If such authority did exist, it, being an exception to the general law and policy, must be shown, and is not to be implied or presumed. The witness proves no such authority; he refers to none; he alleges the existence of none, in such way as to prove any thing. If he intended to prove the meaning of the regulations, that is not the subject of proof; these the court must construe for itself. If he means there was written law which gave the alleged authority, the better evidence, the law itself, must be produced. If he means that there existed an unwritten law which gave the authority, the witness does not appear to be so learned in legal science as to make his opinion of any value, could it be considered as a foreign law, and therefore the subject of proof; and could it be at all admitted as possible (which, however, it cannot) that any unwritten law could give any authority, or pertain to the subject. This evidence, then, does not vary the conclusion before made—that there existed no authority for the concession in question.

But if it were conceded that this concession furnished of itself a presumption of its own legality, and that no circumstances exist to impeach this presumption, this alone would not be sufficient to authorize its confirmation; the concession itself must be such as “might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the Spanish Government,” and the claim must be such as “the principles of justice” require to be confirmed.

The 1st section of the act of Congress which refers this species of claim to the decision of this court, declares, “That it shall and may be lawful for any person or persons, &c. claiming lands, tenements, or hereditaments, in that part of the late province of Louisiana which is now included within the State of Missouri, by virtue of any French or Spanish grant, concession, warrant, or order of survey, legally made, granted, or issued, before the tenth day of March, one thousand eight hundred and four, by the proper authorities, to any person or persons resident in the province of Louisiana, at the date thereof, or on or before the tenth day of March, one thousand eight hundred and four, and which was protected or secured by the treaty between the United States of America and the French Republic, of the thirtieth day of April, one thousand eight hundred and three, and which might have been perfected into a complete title under and in conformity to the laws, usages,

and customs of the Government under which the same originated, had not the sovereignty of the country been transferred to the United States; in each and every such case it shall and may be lawful for such person or persons, &c. to present a petition to the district court of the State of Missouri, setting forth," &c. The section then proceeds to direct what facts the petition must contain, and, after having stated these, declares that the said court is thereby "authorized and required to hold and exercise jurisdiction of every petition presented in conformity with the provisions of this act, and to hear and determine the same," &c. "in conformity with the principles of justice, and according to the laws and ordinances of the Government under which the claim originated." The 2d section declares, "That every petition which shall be presented under the provisions of this act, shall be conducted according to the rules of a court of equity;" and further declares, "That the said court shall have full power and authority to hear and determine all questions arising in said cause, relative to the title of the claimants, the extent, locality, and boundaries of the said claim, or other matters connected therewith, fit and proper to be heard and determined; and, by a final decree, to settle and determine the question of the validity of the title, according to the law of nations, the stipulations of any treaty, and proceedings under the same, the several acts of Congress in relation thereto, and the laws and ordinances of the Government from which it is alleged to have been derived; and all other questions properly arising between the claimants and the United States." These discordant provisions of this act make it difficult to ascertain its intention as to the rule of decision which the court is to adopt.

It is to be remarked that the act vests a new jurisdiction. The first part of the first section defines with great precision the cases of which the court is authorized and required to take jurisdiction. Any claim not included in that description is not within the jurisdiction of the court. To give jurisdiction, the claim must be in virtue of a French or Spanish grant, or of a concession, warrant, or order of survey. These are the only cases to which the jurisdiction extends. But the description does not stop here: other circumstances must attend it; a further description must apply to each case, to bring it within the jurisdiction. The grant, concession, warrant, or order of survey, which is to form the ground of claim, must have been "legally made, granted, or issued, before the 10th day of March, 1804, by the proper authorities, to any person or persons resident in the province of Louisiana at the date thereof;" it must have been "protected or secured by the treaty between the United States and the French Republic, of the 30th day of April, 1803;" and it must be such as "might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the Government under which the same originated, had not the sovereignty of the country been transferred to the United States." If the claim is without any member of this description, the jurisdiction of the court cannot embrace it. If, for instance, it was not originated before the 10th day of March, 1804, or by the proper authorities, or could not have been perfected into a complete title under and in conformity to the laws of the Government from which it was derived, jurisdiction would not attach. If, however, jurisdiction attaches to the case, in consequence of its being of the description mentioned in the act, it does not follow that the claim would necessarily be entitled to confirmation; for although the claim, at its incep-

an, should be such as might have been confirmed, the term "might" implies possibility, and such a claim, therefore, might or might not have been confirmed, according to circumstances, and as the principles of justice should require; the claimant might not have complied with the conditions of the grant, or the commands of the law; or he might have abandoned his claim. In such a claim, therefore, the court, in the latter part of the section, is authorized "to hear and determine, in conformity with the principles of justice, and according to the laws and ordinances of the Government" from which it is derived.

The first part of the first section not only defines the jurisdiction of the court, but also furnishes a rule of decision, which the court is necessarily to regard in determining the validity of the claim. Among other things, it requires that the claim must be such as "*might have been perfected into a complete title under and in conformity to the laws, usages, and customs of the Government from which it is derived, had not the sovereignty of the country been transferred to the United States.*" The claim before the court is for 10,000 arpents of land, founded upon a concession issued, in 1796, by the Lieutenant Governor of Upper Louisiana; and public services are the consideration upon which the concession is alleged to have been issued. The location of this concession was made until the 20th of February, 1804, some time after the treaty of cession must have become known to the claimant. No settlement, no improvement or cultivation is alleged to have been made; nor, in issuing the concession, was regard had to the means of the claimant. In conformity with what law of the Spanish Government could his claim have been confirmed? Not in conformity with the regulations of O'Reily. It is the intention of these that grants should be made with a view to settlement and cultivation, and that the property and qualifications of the applicant should determine the extent of the grant. It is their further intention, that a failure to settle or cultivate should occasion a forfeiture of the grant: they authorize no grant which is not subject to these conditions; they authorize no grant to be made except with regard to the means of the applicant; nor do they authorize any grant of a greater extent than a league square.

Neither would the regulations of Gayoso, or of Morales, have authorized the confirmation of the present claim. They present the same objections to its confirmation that have been already adverted to, as growing out of the regulations of O'Reily. Each of these regulations contain provisions not to be reconciled with the idea that the present concession could have been confirmed in conformity with law, had no change of sovereignty taken place. They equally evince an intention to authorize grants with a view to tillage and the settlement of the country; and to secure these objects, they required, that, in all grants to be made, regard should be had to the family and property of the grantee, to determine the extent of the grant.

The 9th section of Gayoso's regulations directs, that, "to every new settler, answering the foregoing description, and married, there shall be granted two hundred arpents of land; fifty arpents shall be added for every child he shall bring with him."

The 10th section of the same regulations declares, that, "to every emigrant possessing property, and uniting the circumstances before mentioned, who shall arrive with an intention to establish himself, there shall be granted 200 arpents of land, and, in addition, 20 arpents for every negro that he shall bring: provided, however, that the grant shall never exceed 800 arpents

to one proprietor. If he has such a number of negroes as would entitle him at the above rate to a larger grant, he will also possess the means of purchasing more than that quantity of land, if he wants it; and it is necessary by all possible means, to prevent *speculations* in lands."

Both these sections refer, expressly, to the province of Upper Louisiana then known by the name of Illinois, as manifestly appears by the context.

The 1st section of the regulations of Morales prescribes, that, "to each newly arrived family who are possessed of the necessary qualifications to be admitted among the number of cultivators of these provinces, and who have obtained the permission of the Government to establish themselves on a place which they have chosen, there shall be granted *for once*, if it is on the bank of the Mississippi, four, six, or eight arpents in front on the river, by the ordinary depth of forty arpents, and, if it is at any other place, the quantity which they shall be judged capable to cultivate, and which shall be deemed necessary for pasture for his beasts, in proportion according to the number of which the family is composed; understanding that the concession is never to exceed 800 arpents in superficies."

The 10th section of the last mentioned regulations prescribes, that, "in the posts of Opelousas and Attakapas, the greatest quantity of land that can be conceded shall be one league front by the same quantity in depth; and when forty arpents cannot be obtained in depth, a half a league may be granted; and, for a general rule, it is established, that, to obtain in said posts a half a league in front by the same quantity in depth, the petitioner must be owner of one hundred head of cattle, some horses and sheep, and two slaves, and also in proportion for a larger tract, without the power, however, of exceeding the quantity before mentioned."

The 1st section of the regulations last mentioned, after having directed the grants which are to be made on the Mississippi, directs, that, *if made at any other place*, "the quantity which they shall be judged capable to cultivate, and which shall be deemed necessary for pasturage for his beasts, in proportion according to the number of which the family is composed; understanding that the concession is never to exceed 800 arpents in superficies." This section lays down the general rule which is to prevail throughout the province. The larger grants, authorized at Opelousas and Attakapas by the 10th section, is an exception to this general rule, which exception is confined to the posts mentioned; so that the regulations of Morales limit grants in Upper Louisiana, like those of Gayoso had done, to 800 arpents, while they authorize them, at the posts of Opelousas and Attakapas, to the extent of a league square. It does not appear to be necessary to inquire into the reasons upon which grants a league square were authorized at the posts mentioned, while 800 arpents only could be granted, under any circumstances, at any other place in the province. It is worthy of observation, however, that the regulations of O'Reily contain a like exception in favor of these posts, and also of Nachitoches.

The 14th section of Gayoso's regulations operates directly upon the present claim; it declares that "the new settler to whom lands have been granted shall lose them without recovery, if, in the term of one year, he shall not begin to establish himself upon them, or if, in the third year, he shall not have put under labor ten arpents in every hundred."

So, likewise, does the 4th section of the regulations of Morales, which declares that "the new settlers who have obtained land shall be equally obliged to clear and put in cultivation, in the precise time of three years

all the front of their concessions, or the depth of at least two arpents, on the penalty of having the lands granted remitted to the domain, if this condition is not complied with."

That the regulations in which these sections are found are of a date subsequent to the concession, in this case, forms no reason why they may not impose duties on the claimant, and prescribe forfeitures for a failure to perform those duties. Might not a forfeiture of the present claim have been adjudged under each of these sections? No settlement, no improvement, was made, as required by either. This omission, it is declared by each of these sections, is to occasion a forfeiture of the claim.

The right of the party, such as it was at the change of the Government, is that upon which the court is to decide. If, before this time, it had been abandoned, forfeited, or in any degree impaired, under the laws of Spain, the objection to its confirmation, which Spain might have raised, for either of these causes, may be raised with the same force before this court. The precise claim which existed against Spain at the date of the transfer is that which the United States is bound to satisfy. What, then, could the ancestor of the petitioners, at the date of the transfer, have claimed against Spain, on account of this concession? Could he have claimed a confirmation, without having shown a performance, on his part, of all that is required in the 4th and 14th sections above recited? Could he have claimed a confirmation of his title, except in virtue of some law? In virtue of what law could he have demanded this? What law authorized him to expect its confirmation? If there was none, the claimant could have no just ground to expect that his claim would have been confirmed, and, therefore, no ground of complaint.

But complete titles have been produced, to show that, in some instances, the regulations have not been conformed to by the Governor General, and by the Intendant, in confirmations made by them; and it is thence insisted that they were not in force in the province of Upper Louisiana, or that if they were in force there, they were only intended to provide for grants to emigrants and new settlers, and were not intended to provide for grants to the inhabitants generally; and that some law must be presumed, which authorized grants of land to the inhabitants generally, in pursuance of which the confirmations mentioned were made. In answer to this, it may be observed, in addition to what has been before said relative to this subject, that the regulations of Gayoso refer, by express words, to the province of Upper Louisiana by the name of Illinois, the name by which it was then known; and that the regulations of Morales are general, and are indubitably intended to extend to every part of the province. This is equally the intention of each set of the regulations which have been mentioned. The regulations which we have do not permit us to believe that there existed others. Morales; in the preamble to those made by him, mentions those of O'Reily and of Gayoso in a manner which implies that these were all of which he had any knowledge, and shows that he was making regulations which were to offer the *only means by which lands were to be obtained*. His language is, "That all persons who wish to obtain lands may know in what manner they ought to ask for them, and on what conditions lands can be granted or sold; that those who are in possession, without the necessary titles, may know the steps they ought to take to come to an adjustment; that the commandants, as subdelegates of the Intendancy, may be informed of what they ought to observe," &c. This preamble excludes the presumption that other laws existed, by which titles could be obtained; and the regulations

themselves exclude all belief that any law existed, under which a confirmation of the title in question could have been claimed.

That the Governor General, who exercised a legislative power generally, and particularly for the distribution of lands, should feel himself authorized to dispense with the observance of any of the provisions of his own laws, is not strange. Such a dispensing power is incident to the legislative department of every Government. Legislation implies discretion in respect of the rules which are to be prescribed. The Governor General, with whom it was to exercise the power to make the law, could change it, or could dispense with its observance, either on his part, or on the part of the claimant; and it is probable that instances of the exercise of this dispensing power were not rare. That he should have been influenced by the particular circumstances of any case not within the law, or even by personal considerations of regard, in making grants not provided for by his own laws, is a presumption more to be relied upon than that which is contended for on the part of the petitioners.

In relation to the disposition of the royal domain, the Governor General and the Intendant successively represented, to some extent, the power of the King; to what extent, we are left to infer from their recorded acts only. The Congress of the United States succeeded to the powers of the Intendant, and of the crown of Spain. What portion of this power has Congress delegated to this court? It cannot be admitted, as contended for at the bar, that, because the Governor General, out of the plenitude of his power, or the Intendant, on succeeding to that power, might have confirmed the present claim, notwithstanding there existed no law under which its confirmation might have been required, that, therefore, this court may confirm it. It cannot be admitted that this court succeeds to the entire power of the Intendant. Here it is proper to observe the vast distance which, in general, separates the boundary that limits the inquiry of a court of justice from that which limits the inquiry of a legislature, in relation to the considerations which may properly influence the decisions of the one or the acts of the other, especially in questions between individuals and the Government. Courts are governed by rules of law: these form with them the subject of inquiry—the limits of their jurisdiction. But it is otherwise with the legislature: the defect in the law, its inadequacy to afford redress, is, in general, not only the cause of, but is necessary to justify an application to that body. And on an application to this body for any purpose of relief, the claim to such relief may be urged upon every consideration which might be supposed to influence the deliberations of wise and good men in the exercise of a discretion limited only by the Constitution. That justice, clemency, and fostering care, which a Government should extend to its citizens, that policy which should direct its measures, may all be invoked in support of a claim, when the legislature is the tribunal addressed. There must necessarily be reposed a latitude of discretion, equal to every emergency, in some department of every Government, to enable it fully to display either wisdom or justice. This discretion, the King of Spain, and, to some extent, the Intendant, might have exercised in relation to applications for grants or confirmations. What portion of this discretion has Congress thought proper to delegate to this court, is a question which again recurs. The answer is, none. They have left it in the exercise of those powers which are common to courts of justice in general; in its determinations they have confined it to rules of law: there are no words in the act which show an intention on the

part of Congress to clothe it with the extraordinary powers of the legislature, in relation to these claims; to confer upon it the power to determine what would be expedient to be granted; what would be liberal, what magnanimous, on the part of the Government, to grant. These considerations may properly be addressed to the national legislature. The Constitution has confided to Congress the power to dispose of the lands and other property of the United States. It is, therefore, with Congress to determine what, in relation to these claims, is just or expedient to be granted; what would be liberal, what magnanimous, on the part of the Government, to grant. These are powers which belong to Congress: those which they have conferred upon this court, in relation to these claims, are, to hear such of them as "might have been perfected into a complete title under and in conformity to the laws, usages, and customs," and to determine them "in conformity with the principles of justice, and the laws and ordinances of the Government under which they originated."

All that the laws authorized the claimant to demand of the former Government, the principles of justice require of the United States to grant; and to determine this is the power which has been conferred upon this court.

This the claimant had a right to expect and to demand of the United States; and so far, his expectation, his demand, would be founded in legal obligation.

But he could have no just expectation, no expectation founded in law, that his title would be perfected where such title had been originated without the authority of law; and this is more emphatically true where it had been originated against the policy or the express provisions of the law.

In answer to that portion of the argument, on behalf of the petitioners, which denies the force of law to the regulations of Morales in Upper Louisiana, for their supposed want of promulgation, it is only necessary to remark that such a publication is proved as must have brought them to the knowledge of the ancestor of the petitioners. The official station which he held does not permit us to believe, from the publication proved, that he could have been ignorant of the forfeiture to be incurred by a failure on his part to comply with the commands contained in these laws. It is, therefore, unnecessary to decide, whether, according to the principles of justice which prevail in our courts, this tribunal can regard a forfeiture as incurred, even under the Spanish Government, and by a subject of that Government, for disobedience to laws which had never been promulgated.

The 2d section of the act, which directs "the question of the validity of the title" to be decided "according to the law of nations, the stipulations of any treaty, and proceedings under the same, the several acts of Congress in relation thereto, and the laws and ordinances of the Government from which it is alleged to have been derived," remains to be briefly considered. The only stipulation in any treaty, which has been brought to the view of this court, is contained in the 3d article of the treaty by which Louisiana was acquired. By this stipulation the inhabitants of the ceded country were to be *maintained and protected* in their *property*. It protects rights, such as they were; it does not confer or enlarge them; it does no more than the law of nations would have done in the absence of any stipulation whatever.

The inhabitants of Louisiana, under this stipulation, have the same claim against the United States, in relation to the soil, that existed against Spain at the date of the transfer, and none other.

It is insisted for the petitioners that the proclamation of SALCEDO and CASA CALVO, Commissioners on the part of the Spanish Government, deliver the possession of Louisiana to France, under the treaty between France and Spain, confirms all grants and concessions.

By the treaty of St. Ildefonso, of the 1st of October, 1800, Spain ceded Louisiana to France; by the treaty of the 30th of April, 1803, the same country was ceded to the United States; and on the 18th of May, 1803, the proclamation mentioned was issued, nearly three years after Spain had parted with her right to the country.

If it were any part of the object of that proclamation to confirm grants or concessions, or to declare the intention of the treaty of St. Ildefonso in relation thereto, it might then become necessary to consider the effect of such act, either as it might serve as an exposition of the treaty, or the ground of a title. It does not appear, however, to be any part of the intention of the proclamation, either to confirm titles, or to declare that such is the effect of the treaty. Its words are, "His Majesty makes known, that, by the wishes he entertains for the advantage and peace of the inhabitants of the colony, he expects, from the sincere and close amity and alliance which unites the Spanish Government to that of the Republic, that the latter will give orders to the governors and other officers employed in its service in the said colony and city of New Orleans, to the end that the churches and other houses of religious worship, served by the curates and missionaries, should continue on the same footing, and enjoy the same privileges, prerogatives, and immunities, which were granted to them by the titles of their establishments; that the ordinary judges continue, equally as the tribunals established, to administer justice according to the laws and customs adopted in the colony; that the inhabitants should be maintained and preserved in the peaceable possession of their property; that all concessions* or property of any kind soever, given by the governors of these provinces, be confirmed, although it had not even been done by his Majesty."

* *Concession.*—This is believed to be an erroneous translation; that *grants*, and not *concessions*, would be the true translation. Whether the proper translation would make the term *grants* or *concessions*, was not deemed material to the determination of the cause. The document in the original language has not, therefore, been adverted to.

It is remarkable, however, that the words, "even though they had not been confirmed by his Majesty," which immediately follow, imply that the confirmation by the King was necessary to give a complete title. The words are not, *even though they had not been confirmed by the Governor General or Intendant*, as they would have been, if, in the opinion of the authors of the proclamation, those officers could have given complete titles; and more particularly if the words had reference to concession, these being subject to immediate confirmation by the Governor General or the Intendant, on the latter succeeding to the power of the former. The inferences which would seem to follow, are, that the confirmation of the King was necessary to a complete title, and that the proclamation has reference to *grants* as distinguished from *concessions*: the latter term applying to the act of the Lieutenant Governor, by which the title was originated; and the former to the act of the Governor General or the Intendant, which confirms that title. These inferences appear to be fortified by the fact, that the concession was to be referred to the Governor General or Intendant for confirmation, and not to the King; that, if the title had to be referred to the King for his confirmation, this reference would not take place until after the confirmation by the Governor General or Intendant; and by the additional fact, that the titles mentioned are those which had been "given by the Governors of these provinces," meaning the Governors who had successively administered the government of the then provinces, and not to the titles which had been given by the commandants of posts, who, in some places in the province, had, and in others had not, the title of Lieutenant Governor. The titles, therefore, given by the commandant of a post, or a Lieutenant Governor, are not supposed to be referred to in the proclamation. All this is mere suggestion.

The plain sense of this is, that his Majesty expects that the French Republic will give orders to the governors and other officers employed in its service, in the colony and city of New Orleans, to the end that "all concessions, or property of any kind soever, given by the governors of these provinces, be confirmed, although it had not even been done by his Majesty." His Majesty then expects that these orders will issue from the French Republic; but until such orders should issue, and confirmations take place under them, the concessions would remain unconfirmed. Have those orders ever issued from the French Republic, and the confirmations been made in pursuance thereof? Upon what is this expectation of his Majesty predicated? Not upon any stipulation in the treaty. No; it is predicated upon the "sincere and close amity and alliance which unite the Spanish Government to that of the Republic;" and upon "the wishes his Majesty entertains for the advantage and peace of the inhabitants of the colony." The hypocrisy which could presume to mock a people with such grounds of hope, is aggravated no less by the ignorance upon which it presumes, than by the reflection that its author had wholly disregarded that interest, at a time when he might have secured it, about which he now affects to feel solicitude!! This proclamation, then, is no confirmation, no exposition of the treaty of St. Ildefonso; and, as regards the right of property, it is not a law, nor intended to be such; it is a notice merely. It is, therefore, unnecessary to consider whether it could be regarded as a proceeding under, or resulting from, a stipulation in any treaty; or how far this clause in the act is qualified by the provisions contained in the previous section.

That part of the act which requires the court to determine "the question of the validity of the title according to the several acts of Congress," &c. has been adverted to on behalf of the claimants, but not seriously relied upon, as furnishing the ground of a claim to confirmation in the present case.

Upon this point it is only necessary to remark, that there is certainly no act of Congress which would authorize the confirmation of the present claim, or any part thereof.

A decree must go against the validity of the title.

In the course of this opinion, a more extensive range may, at first view, appear to have been taken, than was necessary to the determination of the cause before the court. The questions, however, which have been discussed and decided, will, upon a nearer view, be found to belong to the cause, and their discussion to have been in some degree necessary to the elucidation of the questions involved in it. The title to more than a million, perhaps millions, of acres of land, was supposed to depend upon the decision of the questions which have been considered; and the opinion having mainly proceeded upon a view which had not been taken at the bar, and having been extended to an inquiry into the source and nature of the Spanish titles to lands in Louisiana, and to an inquiry concerning the laws under which those titles were derived; and the decision of most of the points, therefore, having proceeded chiefly upon grounds which had been little or not at all examined in the argument of the cause, it is deemed proper to remark, that counsel will not be excluded from again stirring any of the points which have been here decided, when they may hereafter arise in any other cause.

Exhibit B, accompanying the answer of James H. Peck, in the case of his impeachment.

UNITED STATES OF AMERICA,

Department of State.

To all to whom these presents shall come, greeting:

I certify that the papers hereunto annexed are copies and extracts taken from, and carefully compared with, the files and records of this Department.

In testimony whereof, I, Martin Van Buren, Secretary of State of the United States, have hereunto subscribed my name, and caused

[L. s.] the seal of the Department of State to be affixed.

Done at the city of Washington, this 12th day of March, A. D. 1830, and of the independence of the United States of America the fifty-fourth.

M. VAN BUREN.

EXTRACT.

James H. Peck, Judge of the United States for the District of Missouri, to Henry Clay, Secretary of State of the United States.

“ST. LOUIS, November 7, 1825.

“DEAR SIR: In the discharge of that portion of my official duties imposed upon me by the act of the 26th May, 1824, entitled ‘An act enabling the claimants of lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims,’ I find it necessary for me to have all orders, laws, ordinances, and decrees, which have relation to the sale and disposition of lands in Louisiana, under the French and Spanish Governments, during the time those Governments respectively had possession of that colony. These, of myself, I am unable to procure, and am induced to apply to the Executive, through your Department, to cause them to be procured for me.

“I would particularly mention the order of the King of Spain of the 24th of August, 1770, vesting in the civil and military government of Louisiana the power to grant lands, and also his decree at Santa Lorenzo the 22d October, 1778, transferring that power to the Intendancy of Louisiana, as indispensably necessary to me in the decision of the questions arising under the act of Congress mentioned.

“HON. H. CLAY.”

Mr. Everett to Mr. Clay.

SIR: I have the honor to transmit, herewith, copies of the papers for which I was requested to apply to this Government by letters from the Department, under date of the 19th May and 3d December, 1825, with copies and translations of the two notes from the Duke del Infantado, by which they were accompanied.

I am, with great respect,

Sir, your most obedient servant,

A. H. EVERETT.

MADRID, April 10, 1826.

Mr. Everett to the Duke del Infantado.

Sir: I am instructed by the Government which I have the honor to represent to request of Y. E. the communication of a decree of H. M. under date the 24th August, 1770, vesting in the civil and military Governor of Louisiana the power to grant lands.

It has become necessary to recur to the terms of this edict for the purpose of adjusting certain differences among the present occupants of a part of that country, and I venture to solicit from the kindness of Y. E. an early attention to this request.

I avail myself of this occasion to assure Y. E. anew of my sincere respect and esteem.

A. H. EVERETT.

MADRID, Feb. 6, 1826.

(TRANSLATION.)

The Duke del Infantado to Mr. Everett.

SIR: I have the honor to send you, herewith, a copy of an order, addressed from the Department with which I am now entrusted, to the Governor of Louisiana, on the 24th of August, 1770, which appears to be the document alluded to in your note of the 6th of last February.

I avail myself of this occasion to offer you anew the assurance of my distinguished regard.

THE DUKE DEL INFANTADO.

ARANJUEZ, April 7, 1826.

El Teniente General Don Alejandro O'Reily, en su carta No. 33, escrita desde esa ciudad con fecha de 1º de Marzo, me dirigió copias de las tres instrucciones que habia formado para el Teniente de Gobernador establecido en los Hioneses, el de Natchitoches y los nueve tenientes particulares de los partidos de esa provincia. Dió cuenta de haber pasado personalmente á la Junta Cortada, y de haber destinado á solicitud de los habitantes, un agrimensor en cada partido para medir sus tierras con la mitad del salario que le estaba señalado antes; incluyó una instruccion que explica las formalidades que se deben observar en este asunto, y dió que las concesiones de tierras en esa provincia han sido confiadas por S. M. Cristianisima al Gobernador Comisario Ordenador, y que en lo sucesivo considera conveniente sea el Gobernador solo quien esté autorizado por S. M. para estas concesiones, y que se le ordene que para la distribucion de las tierras realengas se arreyle en todo á dicha instruccion que sobre este asunto desó formada é impresa.

Enterado el Rey de lo que en estos particulares dispuso dicho Teniente General y de lo que propone, ha venido en aprobarlo, y en que sea solo V. S. y su sucesores en ese Gobierno quienes tenyan facultad para repartir las tierras realengas, arreglandose en todo, mientras S. M. no disponga otra cosa, á la referida instruccion, su fecha en esa ciudad á 18 de Febrero de este año. Lo que participo á V. S. para su inteligencia y cumplimiento y ruego á Dios le que m^o. San Ildefonso, 24 de Agosto de 1770.

A Don LUIS DE UNZAGA.

Es copia.

APPENDIX.

Mr. Clay to Mr. Peck.

DEPARTMENT OF STATE,

Washington, 21st June, 1825.

SIR: I have the honor to transmit to you the enclosed transcript of a royal order of Spain, dated 24th August, 1770, procured and sent hither by Mr. Everett, our Minister at Madrid, under instructions from the Department, agreeably to the request contained in your letter of the 7th November, 1825.

I am, sir, respectfully,
Your obedient servant,

H. CLAY.

JAMES H. PECK, Esq.

Judge of the United States for the Missouri District, St. Louis.

The answer was then delivered to the Secretary of the Senate, with the exhibits A and B therein referred to.*

Mr. Storrs, on behalf of the managers, moved that they have time to consult the House of Representatives on a replication; and that they be furnished with a copy of the answer of the respondent; which was agreed to.

On motion by Mr. Webster,

Ordered, That when this court adjourn, it adjourn to meet again on the second Monday of the next session of Congress, at 12 o'clock, then to proceed with the said impeachment.

On motion by Mr. Webster,

The court adjourned.

MONDAY, DECEMBER 13, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The President administered the oath to Mr. Baker and Mr. Poindexter.

On motion by Mr. Woodbury,

Ordered, That the Secretary inform the House of Representatives that the Senate are in their public chamber, and are ready to proceed on the trial of the impeachment of James H. Peck, Judge of the district court of the United States for the district of Missouri, and that seats are provided for the accommodation of the members.

Notice was received by Mr. Clarke, their Clerk, that the House of Representatives have agreed to a replication, on their part, to the answer and plea of James H. Peck, Judge of the district court of the United States for the district of Missouri, to the article of impeachment exhibited to the Senate against him by that House, and have directed the managers appointed to conduct the said impeachment to carry the said replication to the Senate, and to maintain the same at the bar of the Senate at such time as shall be appointed by the Senate.

* The Senate adopted the following order, on motion by Mr. King:

Ordered, That the article of impeachment exhibited by the House of Representatives against James H. Peck, Judge of the district court of the United States for the district of Missouri, and his answer thereto, with the exhibits, be printed for the use of the Senate.

Four of the managers, viz: Mr. Buchanan, Mr. McDuffie, Mr. Spencer, and Mr. Wickliffe, attended.

James H. Peck, the respondent, accompanied by his counsel, (Mr. Wirt and Mr. Meredith,) also attended.

The replication of the House of Representatives was then read by Mr. Buchanan, as follows:

Replication by the House of Representatives of the United States to the answer and plea of James H. Peck, Judge of the district court of the United States for the district of Missouri, to the article of impeachment exhibited against him by the said House of Representatives.

The House of Representatives of the United States, having considered the answer and plea of James H. Peck, Judge of the district court of the United States for the district of Missouri, to the article of impeachment against him by them exhibited, in the name of themselves, and of all the people of the United States, reply, that the said James H. Peck is guilty in such manner as he stands impeached; and that the House of Representatives will be ready to prove their charges against him, at such convenient time and place shall be appointed for that purpose.

After which it was handed to the Secretary to be filed.

The President then informed the managers that they were at liberty to proceed in support of the article of impeachment exhibited; and on request of Mr. Buchanan, the witnesses on behalf of the managers were called.

On request by Mr. Meredith, counsel for the respondent, his witnesses were also called.

Mr. Buchanan, on behalf of the managers, informed the court that, in consequence of the unavoidable absence of a material witness, they could not proceed to make good their charge without further time.

Whereupon,

On motion by Mr. King,

Ordered, That the Secretary inform the House of Representatives that the Senate will, on Monday next, at 12 o'clock, be ready further to proceed to the trial of the impeachment of James H. Peck, Judge of the district court of the United States for the district of Missouri.

The court then adjourned to Monday next, at 11 o'clock.

MONDAY, DECEMBER 20, 1830.

DISTRICT COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended. James H. Peck, the respondent, and his counsel, also attended.

At the request of Mr. Meredith, the witnesses in behalf of the respondent were called.

The President informed the managers that they might now proceed to substantiate their charge.

Mr. McDuffie proceeded to open the cause; but, before he concluded,

The court adjourned to 12 o'clock to-morrow.

TUESDAY, DECEMBER 21, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended. James H. Peck, the respondent, and his counsel, also attended. Mr. McDuffie resumed, and concluded the opening of the cause.

Mr. Wickliffe, one of the managers, offered and read in evidence,

1. Exhibit A, annexed to the respondent's answer, beginning at page 289;
2. Bond of M. P. Leduc;
3. Record of district court of Missouri, *United States vs. Stephen W. Foreman*, for a contempt;
4. Record of same court, *United States vs. Luke E. Lawless*, for a contempt;
5. Record of St. Louis circuit court on the writ of habeas corpus, on the application of Luke E. Lawless.

The court then adjourned to 12 o'clock to-morrow.

WEDNESDAY, DECEMBER 22, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

James H. Peck, the respondent, and his counsel, also attended.

At the request of the managers, the oath prescribed by the 15th rule was administered to Luke Edward Lawless, and he was examined and cross-examined.

The following interrogatory was put to the witness by Mr. Meredith, one of the counsel for the respondent:

“What was your contract for professional compensation in the case of Souldard's heirs;” and objected to by the witness, and also by the managers; and,

On the question, “Shall this interrogatory be put to the witness?”

It was determined in the negative, {	Yeas,	19,
	Nays,	23.

Those who voted in the affirmative, are,

Messrs. Bell, Burnet, Chambers, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Knight, Marks, Naudain, Noble, Robbins, Sanford, Seymour, Silsbee, Smith, of South Carolina, Sprague, Webster.

Those who voted in the negative, are,

Messrs. Baker, Barnard, Barton, Brown, Chase, Dickerson, Dudley, Ellis, Forsyth, Grundy, Iredell, Johnston, Kane, King, Livingston, McKinley, Poindexter, Smith, of Maryland, Tazewell, Troup, Tyler, White, Woodbury.

The court then adjourned to 12 o'clock to-morrow.

THURSDAY, DECEMBER 23, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended. James H. Peck, the respondent, and his counsel, also attended.

The cross-examination of Luke Edward Lawless was resumed. The following interrogatory was put to the witness by Mr. Wirt, one of the respondent's counsel:

"The witness is asked to refer to such parts of the opinion of the respondent in Soulard's case as support the first specification in the article signed 'A Citizen,' and objected to by the managers; and

On the question, "Shall this interrogatory be put to the witness?"

It was determined in the affirmative, { Yeas, 32,
Nays 10.

Those who voted in the affirmative, are,
Messrs. Barnard, Barton, Bell, Brown, Burnet, Chambers, Chase, Clayton, Dickerson, Foot, Forsyth, Frelinghuysen, Hendricks, Iredell, Johnston, Kane, King, Knight, Livingston, Marks, Naudain, Robbins, Ruggles, Seymour, Silsbee, Smith, of South Carolina, Sprague, Tazewell, Tyler, Webster, Willey, Woodbury.

Those who voted in the negative, are,
Messrs. Baker, Dudley, Ellis, Grundy, McKinley, Poindexter, Sanford, Smith, of Maryland, Troup, White.

The court then adjourned to 12 o'clock to-morrow.

FRIDAY, DECEMBER 24, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,*

On motion by Mr. Foot,

Ordered, That the Secretary notify the House of Representatives, from day to day, that the Senate is sitting as a high court of impeachment for the trial of James H. Peck, Judge of the district court of the United States for the district of Missouri.

The managers, accompanied by the House of Representatives, then attended.

James H. Peck, the respondent, and his counsel, also attended.

The cross-examination of Luke Edward Lawless was resumed; and

The court adjourned to 12 o'clock on Monday next.

MONDAY, DECEMBER 27, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

James H. Peck, the respondent, and his counsel, also attended.

The cross-examination of Luke Edward Lawless was resumed, and concluded on the part of the respondent.

The court adjourned to 12 o'clock to-morrow.

TUESDAY, DECEMBER 28, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

James H. Peck, the respondent, and his counsel, also attended.

* A message was previously received from the House of Representatives, that they would attend the trial from day to day until further notice.

At the request of the managers, Henry S. Geyer, Thomas Horn, Arthur L. Maginnis, were called; and the oath prescribed by the 15 was administered to them respectively; and they were severally examined and cross-examined.

The court adjourned to 12 o'clock to-morrow.

WEDNESDAY, DECEMBER 29, 1830.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, at James H. Peck, the respondent, and Mr. Meredith, one of his counsel, also attended.

At the request of the managers, Charles S. Hempstead was called, sworn, and then examined and cross-examined.

Mr. Buchanan, in behalf of the managers, then gave in evidence certificate of naturalization of Luke Edward Lawless, the protest of Dehault Delassus against certain regulations of Morales, and the proceedings of the supreme court of Missouri for a contempt, in consequence of newspaper publication misstating the opinion of the court in the case of Alexander Bellissime against James McCoy.

At the request of the managers, Edward Charless was called and then examined and cross-examined.

Mr. Buchanan, in behalf of the managers, gave in evidence the opinions of the circuit court of the county of St. Louis, in Missouri, in the case of Choteau's heirs and Joseph Wherry and others vs. the United States.

Mr. Meredith, in behalf of the respondent, gave in evidence the publication in the Missouri Republican of the 23d February, 1830, by Edward Lawless, signed "A Citizen."

Mr. Wickliffe, in behalf of the managers, gave in evidence the explanatory remarks made by Judge Peck in the House of Representatives.

At the request of the managers, Wharton Rector was called and then examined and cross-examined.

Mr. Buchanan, in behalf of the managers, stated that the evidence in the part of the United States was now closed.

On motion by Mr. Tazewell,

The court adjourned to 12 o'clock on Monday next.

MONDAY, JANUARY 3, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H.*

The court having been opened by proclamation,

On motion by Mr. Tazewell,

Resolved, That when the court adjourns, it be to Wednesday next at 9 o'clock.

Ordered, That the Secretary notify the House of Representatives accordingly.

The court then adjourned.

WEDNESDAY, JANUARY 5, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.*

James H. Peck, the respondent, and his counsel, also attended.

Mr. Meredith, one of the counsel for the respondent, stated to the court the ground and outlines of the defence to which the respondent intended to resort; after which, at his request, the witnesses for the respondent were again called; and the oath prescribed by the 15th rule was administered to Robert Wash, and he was examined and cross-examined.

The court then adjourned to 12 o'clock to-morrow.

THURSDAY, JANUARY 6, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

James H. Peck, the respondent, and his counsel, also attended.

At the request of Mr. Meredith, in behalf of the respondent, John K. Walker and Spencer Pettis were severally called and sworn, and then examined and cross-examined.

The court then adjourned to 12 o'clock to-morrow.

FRIDAY, JANUARY 7, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

James H. Peck, the respondent, and his counsel, also attended.

At the request of Mr. Meredith, in behalf of the respondent, John B. C. Lucas, William C. Carr, and Jesse G. Lindell, were severally called and sworn, and then examined and cross-examined; after which,

Robert Wash was again called, at the request of the respondent's counsel, and examined.

The following interrogatory was put to the witness by Mr. Wirt, one of the counsel for the respondent:

"When you read the strictures signed 'A Citizen,' did they strike you as misrepresenting the opinion of the court in a manner calculated to awaken the contempt and indignation of the people of Missouri, and to impair the confidence of the suitors in that court in the intelligence and integrity of the tribunal?" which being objected to by the managers,

On the question, "Shall this interrogatory be put to the witness?"

It was determined in the negative, { Yeas, 7,
Nays, 35.

Those who voted in the affirmative, are,

Messrs. Burnet, Foot, Hendricks, Marks, Noble, Seymour, Silsbee.

Those who voted in the negative, are,

Messrs. Barnard, Barton, Bell, Brown, Chambers, Chase, Clayton, Dicker-

* The House of Representatives previously notified the Senate that they would discontinue their attendance on the trial until further notice.

son, Dudley, Ellis, Forsyth, Frelinghuysen, Grundy, Hayne, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Naudain, Robbins, Sanford, Smith, of Maryland, Smith, of South Carolina, Sprague, Tazewell, Troup, Tyler, Webster, White, Willey, Woodbury.

The court then adjourned to 12 o'clock on Monday next.

MONDAY, JANUARY 10, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

James H. Peck, the respondent, and his counsel, (Mr. Meredith), also attended.

At the request of Mr. Meredith, Robert Wash was again called and examined.

The following interrogatory was put to the witness by Mr. Meredith, in behalf of the respondent:

“Do you think that the publication signed ‘A Citizen’ was calculated to incense the claimants against the court, and to impair, in their minds, their confidence and respect for the court?” which being objected to by the managers,

On the question, “Shall this interrogatory be put to the witness?”

It was determined in the negative,	{	Yeas,	1,
		Nays,	39.

Mr. Noble voted in the affirmative.

Those who voted in the negative, are,

Messrs. Barnard, Barton, Bell, Brown, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Marks, Naudain, Robbins, Ruggles, Sanford, Seymour, Smith, of Maryland, Smith, of South Carolina, Sprague, Troup, Tyler, White, Willey, Woodbury.

Mr. Meredith, in behalf of the respondent, then offered and read in evidence the depositions of Samuel Merry, John Bent, and Edward Bates; after which,

At the request of Mr. Meredith, Daniel Hough and George H. C. Mello-day were severally sworn, and then examined and cross-examined; William C. Carr was again examined and cross-examined; and Josiah Spalding was sworn, and examined and cross-examined.

The following interrogatory was put to the last witness by Mr. Meredith, in behalf of the respondent:

“What are the terms in which Mr. Lawless, according to general reputation, is in the habit of speaking of courts, both in their presence and out of court?” which being objected to by the managers on account of the words “and out of court,”

On the question, “Shall this interrogatory be put to the witness?”

It was determined in the negative,	{	Yeas,	3,
		Nays,	39.

Those who voted in the affirmative, are,

Messrs. Noble, Ruggles, Smith, of South Carolina.

Those who voted in the negative, are,
Messrs. Barnard, Barton, Bell, Brown, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Marks, Naudain, Robbins, Sanford, Seymour, Silsbee, Smith, of Maryland, Sprague, Tazewell, Troup, Tyler, Webster, White, Willey, Woodbury.

The court then adjourned to twelve o'clock to-morrow.

TUESDAY, JANUARY 11, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

James H. Peck, the respondent, and his counsel, (Mr. Meredith,) also attended.

Mr. Meredith, in behalf of the respondent, gave in evidence certain concessions of land by the Spanish Government "for services rendered or to be rendered."

The respondent gave in evidence authenticated transcripts of the proceedings in the district court of the United States for the district of Missouri, in the cases of the heirs of James Mackay; Charles Dehaull Delassus, legal representative of P. D. D. De Luzieres; the heirs of Antoine Sangrain; John Smith T., assignee of J. De St. Vrain; the heirs of John Zumwalt; Peter Journey; Auguste Chouteau; John P. Cabanne and others; Robert K. McGlaughlin; Thomas Hardeman; James Richardson; John Mullanphy, assignee of Lapierre & Aubuchon; and John Mullanphy, assignee of Baptiste Delisle; against the United States.

Robert Wash was again examined in behalf of the respondent, and cross-examined.

The following interrogatory was put to the witness by Mr. Meredith, in behalf of the respondent:

"Do you or not know that at and before the time of the publication there was a general belief in the State of Missouri that many claims to lands in that State, under Spanish grants, were fraudulent?" which being objected to by the managers,

On the question, "Shall this interrogatory be put to the witness?"

It was determined in the negative,	{	Yeas,	14,
	{	Nays,	27.

Those who voted in the affirmative, are,

Messrs. Barton, Bell, Burnet, Chase, Forsyth, Grundy, Hendricks, Iredell, Knight, Marks, Naudain, Noble, Tyler, White.

Those who voted in the negative, are,

Messrs. Brown, Chambers, Clayton, Dickerson, Dudley, Ellis, Foot, Frelinghuysen, Hayne, Holmes, Johnston, Kane, King, Livingston, McKinley, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith, of Maryland, Smith, of South Carolina, Sprague, Tazewell, Troup, Webster, Woodbury.

At the request of Mr. Meredith, in behalf of the respondent, Samuel Davidson King, a clerk in the office of the Commissioner of the General Land Office, was sworn, and examined.

Mr. Meredith then offered to give in evidence—

“An abstract of complete titles, under the Spanish Government, of lands in a part of the province of Louisiana, from the year 1771 to the cession of the United States;

“Also, a book containing reports of confirmations by the Recorder in the State of Missouri;

“Reports of land claims in the western part of the province of Louisiana, by the commissioners for the adjustment of said claims;” which being objected to by the managers,

On the question, “Shall these documents be given in evidence?”

It was unanimously determined in the affirmative—Yeas, 40.

Those who voted, are,

Messrs. Barton, Bell, Brown, Burnet, Chambers, Chase, Clayton, Dickerson, Dudley, Ellis, Foot, Forsyth, Frelinghuysen, Grundy, Hayne, Hendricks, Holmes, Iredell, Johnston, Kane, King, Knight, Livingston, McKinley, Marks, Naudain, Noble, Robbins, Ruggles, Sanford, Seymour, Silsbee, Smith, of Maryland, Sprague, Tazewell, Troup, Tyler, Webster, White, Woodbury.

At the request of Mr. Meredith, in behalf of the respondent, Luke Edward Lawless was again called, and cross-examined.

The following interrogatory was put to the witness by Mr. Meredith, in behalf of the respondent:

“Are you the author of all or either of the articles contained in the newspapers now handed to you, relating to the respondent?” which being objected to by the managers,

On the question, “Shall this interrogatory be put to the witness?”

It was determined in the affirmative,

{	Yeas,	28,
{	Nays,	13.

Those who voted in the affirmative, are,

Messrs. Barton, Bell, Brown, Burnet, Chambers, Chase, Dickerson, Dudley, Foot, Forsyth, Frelinghuysen, Hendricks, Holmes, Iredell, Kane, Knight, McKinley, Marks, Naudain, Robbins, Sanford, Seymour, Silsbee, Smith, of South Carolina, Sprague, Tazewell, Tyler, Webster.

Those who voted in the negative, are,

Messrs. Clayton, Ellis, Grundy, Hayne, Johnston, King, Livingston, Noble, Ruggles, Smith, of Maryland, Troup, White, Woodbury.

Mr. Meredith, in behalf of the respondent, then gave in evidence the newspapers, called the “Missouri Republican,” of the 23d February and 13th July, 1830, and the “St. Louis Beacon,” of the 1st, 17th, and 29th July, of the same year, containing the articles referred to in the preceding interrogatory.

John B. C. Lucas, a witness sworn and examined on the 7th instant, on the part of the respondent, was heard in explanation of parts of the testimony then given by him; after which he was again examined and cross-examined.

Mr. Meredith, in behalf of the respondent, then stated to the court that the testimony on the part of the respondent was now closed.

At the request of the managers, Charles S. Hempstead, Henry S. Geyer, Spencer Pettis, and Luke Edward Lawless, were again severally examined and cross-examined.

At the same request, Marie Philip Le Due and Thomas H. Benton were severally sworn, and then examined and cross-examined.

The court then adjourned to 12 o'clock to-morrow.

WEDNESDAY, JANUARY 12, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

On motion by Mr. Tazewell,

The court adjourned to 12 o'clock to-morrow.

THURSDAY, JANUARY 13, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers attended.

James H. Peck, the respondent, also attended.

The Vice President communicated a letter from the attending physician, stating the condition of the health of Mr. Wirt (one of the counsel of the respondent) to be such as to prevent his attendance on the court before Monday next:

Whereupon,

On motion by Mr. Smith, of Maryland,

The court adjourned to Monday next at 12 o'clock.

MONDAY, JANUARY 17, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

James H. Peck, the respondent, and his counsel, also attended.

William C. Carr, a witness, sworn and examined on the 7th instant, on behalf of the respondent, was heard in explanation of parts of the testimony then given by him.

Mr. Spencer, on behalf of the managers, then commenced the argument in support of the article of impeachment; after which,

The court adjourned to 12 o'clock to-morrow.

TUESDAY, JANUARY 18, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

James H. Peck, the respondent, and his counsel, also attended.

Mr. Wickliffe, on behalf of the managers, continued the argument in support of the article of impeachment; after which,

The court adjourned to 12 o'clock to-morrow.

WEDNESDAY, JANUARY 19, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

James H. Peck, the respondent, and his counsel, also attended.

Mr. Meredith, on behalf of the respondent, commenced the argument in his defence; but, before he concluded,

The court adjourned to 12 o'clock to-morrow.

*The House of Representatives previously informed the Senate that they would attend the trial from day to day.

THURSDAY, JANUARY 20, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.

Mr. Meredith, on behalf of the respondent, continued the argument in his defence; but, before he concluded,

The court adjourned to 12 o'clock to-morrow.

FRIDAY, JANUARY 21, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.

Mr. Meredith on behalf of the respondent, continued the argument in his defence; but, before he concluded,

The court adjourned to 12 o'clock to-morrow.

SATURDAY, JANUARY 22, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.

Mr. Meredith having concluded his argument, Mr. Wirt, on behalf of the respondent, continued the argument in his defence; but, before he concluded,

The court adjourned to 12 o'clock on Monday next.

MONDAY, JANUARY 24, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.

Mr. Wirt, on behalf of the respondent, continued the argument in his defence; but, before he concluded,

The court adjourned to 12 o'clock to-morrow.

TUESDAY, JANUARY 25, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.

Mr. Wirt, on behalf of the respondent, concluded the argument in his defence; after which,

The court adjourned to 12 o'clock to-morrow.

WEDNESDAY, JANUARY 26, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.
Mr. Storrs, on behalf of the managers, resumed the argument in support
of the article of impeachment; but, before he concluded,
The court adjourned to 12 o'clock to-morrow.

THURSDAY, JANUARY 27, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.
Mr. Storrs, on behalf of the managers, resumed the argument in support
of the article of impeachment; after which,
The court adjourned to 12 o'clock to-morrow.

FRIDAY, JANUARY 28, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation.
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.
Mr. Buchanan, on behalf of the managers, continued the argument in support
of the article of impeachment; but, before he concluded,
The court adjourned to 12 o'clock to-morrow.

SATURDAY, JANUARY 29, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.
Mr. Buchanan, on behalf of the managers, having concluded the argument
a support of the article of impeachment,

On motion by Mr. Webster,
Resolved, unanimously, That the Senate will, on Monday next, at 12
'clock, proceed farther on the trial of the article of impeachment exhibit-
ed by the House of Representatives of the United States against James H.
Peck, Judge of the district court of the United States for the district of
Missouri.

The court then adjourned.

MONDAY, JANUARY 31, 1831.

HIGH COURT OF IMPEACHMENT.—*The United States vs. James H. Peck.*

The court having been opened by proclamation,
The managers, accompanied by the House of Representatives, attended.
James H. Peck, the respondent, and his counsel, also attended.

On motion by Mr. Tazewell,

Resolved, That this court will now pronounce judgment in the case of James H. Peck, Judge of the district court of the United States for the district of Missouri.

The article of impeachment was then read by the Secretary, as follows:

That the said James H. Peck, Judge of the district court of the United States for the district of Missouri, at a term of the said court, holden at St. Louis, in the State of Missouri, on the fourth Monday in December, one thousand eight hundred and twenty-five, did, under and by virtue of the power and authority vested in the said court by the act of the Congress of the United States, entitled "An act enabling the claimants to lands within the limits of the State of Missouri and Territory of Arkansas to institute proceedings to try the validity of their claims," approved on the twenty-sixth day of May, one thousand eight hundred and twenty-four, render a final decree of the said court in favor of the United States, and against the validity of the claim of the petitioners, in a certain matter or cause depending in the said court under the said act, and before that time prosecuted in the said court, before the said Judge, by Julie Soulard, widow of Antoine Soulard, and James G. Soulard, Henry G. Soulard, Eliza Soulard, and Benjamin A. Soulard, children and heirs at law of the said Antoine Soulard, petitioners against the United States, praying for the confirmation of their claim under the said act to certain lands situated in the said State of Missouri; and the said court did thereafter, on the thirtieth day of December, in the said year, adjourn to sit again on the third Monday in April, one thousand eight hundred and twenty-six.

And the said petitioners did, at the same December term of the said court, holden by and before the said James H. Peck, Judge as aforesaid, in due form of law, under the said act, appeal against the United States from the judgment and decree so made and entered in the said matter, to the Supreme Court of the United States; of which appeal, so made and taken in the said district court, the said James H. Peck, Judge of the said court, had then and there full notice. And the said James H. Peck, after the said matter or cause had so been duly appealed to the Supreme Court of the United States, and on or about the thirtieth day of March, one thousand eight hundred and twenty-six, did cause to be published in a certain public newspaper, printed at the city of St. Louis, called "The Missouri Republican," a certain communication, prepared by the said James H. Peck, purporting to be the opinion of the said James H. Peck, as Judge of the said court, in the matter or cause aforesaid, and purporting to set forth the reasons of the said James H. Peck, as such Judge, for the said decree; and that Luke Edward Lawless, a citizen of the United States, and an attorney and counsellor at law in the said district court, and who had been of counsel for the petitioners in the said court in the matter aforesaid, did, thereafter, and on or about the eighth day of April, one thousand eight hundred and twenty-six, cause to be published in a certain other newspaper, printed at the city of St. Louis, called "The Missouri Advocate and St. Louis Enquirer," a certain article signed "A Citizen," and purporting to contain an exposition of certain errors of doctrine and fact alleged to be contained in the opinion of the said James H. Peck, as before that time so published; which publication by the said Luke Edward Lawless was to the effect following, viz:

" To the Editor:

SIR: I have read, with the attention which the subject deserves, the opinion of Judge Peck on the claim of the widow and heirs of Antoine Soulard, published in the Republican of the 30th ultimo. I observe that, although the Judge has thought proper to decide against the claim, he leaves the grounds of his decree open for further discussion.

Availing myself, therefore, of this permission, and considering the opinion so published to be a fair subject of examination to every citizen who feels himself interested in or aggrieved by its operation, I beg leave to point the attention of the public to some of the principal errors which I think that I have discovered in it. In doing so I shall confine myself to little more than an enumeration of those errors, without entering into any demonstration or developed reasoning on the subject. This would require more space than a newspaper allows, and, besides, is not (as regards most of the points) absolutely necessary.

Judge Peck, in this opinion, seems to me to have erred in the following assumptions, as well of fact as of doctrine:

- 1st. That, by the ordinance of 1754, a subdelegate was prohibited from making a grant in consideration of services rendered or to be rendered.
- 2d. That a subdelegate in Louisiana was not a subdelegate as contemplated by the above ordinance.
- 3d. That O'Reily's regulations, made in February, 1770, can be considered as demonstrative of the extent of the granting power of either the Governor General or the subdelegates under the royal order of August, 1770.
- 4th. That the royal order of August, 1770, (as recited or referred to in the preamble to the regulations of Morales, of July, 1799,) related exclusively to the Governor General.
- 5th. That the word "mercedes," in the ordinance of 1754, which in the Spanish language means "gifts," can be narrowed by any thing in that ordinance, or in any other law, to the idea of a grant to an Indian, or a reward to an informer, and much less to a mere sale for money.
- 6th. That O'Reily's regulations were in their terms applicable, or ever were, in fact, applied to, or published in, Upper Louisiana.
- 7th. That the regulations of O'Reily have any bearing on the grant to Antoine Soulard, or that such a grant was contemplated by them.
- 8th. That the limitation to a square league of grants to new settlers in Opelousas, Attakapas, and Natchitoches, (in 8th article of O'Reily's regulations,) prohibits a larger grant in Upper Louisiana.
- 9th. That the regulations of the Governor General Gayoso, dated 9th September, 1797, entitled "Instructions to be observed for the admission of new settlers," prohibit, in future, a grant for services, or have the effect of annulling that to Antoine Soulard, which was made in 1796, and not located or surveyed until February, 1804.
- 10th. That the complete titles made by Gayoso are not to be referred to as affording the construction made by Gayoso himself of his own regulations.
- 11th. That, although the regulations of Morales were not promulgated as law in Upper Louisiana, the grantee in the principal case was bound by them, inasmuch as he had notice, or must be presumed, "from the official station which he held," to have had notice of their terms.
- 12th. That the regulations of Morales "exclude all belief that any law existed under which a confirmation of the title in question could have been claimed."

13th. That the complete titles (produced to the court) made by the Governor General or the Intendant General, though based on *incomplete titles* not conformable to the regulations of O'Reily, Gayoso, or Morales, afford no inference in favor of the power of the Lieutenant Governor, from whom these incomplete titles emanated, and must be considered as anomalous exercises of power in favor of individual grantees.

14th. That the language of Morales himself, in the complete titles issued by him on concessions made by the Lieutenant Governor of Upper Louisiana, anterior to the date of his regulations, ought not to be referred to as furnishing the construction which he, Morales, put on his own regulations.

15th. That the uniform practice of the subdelegates or Lieutenant Governor of Upper Louisiana, from the first establishment of that province to the 10th March, 1804, is to be disregarded as proof of law, usage, or custom, therein.

16th. That the historical fact, that *nineteen-twentieths* of the titles to lands in Upper Louisiana were not only incomplete, but not conformable to the regulations of O'Reily, Gayoso, or Morales, at the date of the cession to the United States, affords no inference in favor of the general legality of those titles.

17th. That the fact that incomplete concessions, whether floating or located, were, previous to the cession, treated and considered by the government and population of Louisiana as property, saleable, transferable, and the subject of inheritance and distribution *ab intestato*, furnishes no inference in favor of those titles, or to their claim to the protection of the treaty of cession or of the law of nations.

18th. That the laws of Congress heretofore passed in favor of incomplete titles, furnish no argument or protecting principle in favor of those titles of a precisely similar character which remain unconfirmed.

In addition to the above, a number of other errors, consequential on those indicated, might be stated. The Judge's doctrine as to the forfeiture which he contends is inflicted by Morales' regulations, seems to me to be peculiarly pregnant with grievous consequences. I shall, however, not tire the reader with any further enumeration, and shall detain him only to observe, by way of conclusion, that the Judge's recollection of the argument of the counsel for the petitioner, as delivered at the bar, differs materially from what I can remember, who also heard it. In justice to the counsel, I beg to observe, that all that I have now submitted to the public has been suggested by that argument as spoken, and by the printed report of it, which is even now before me.

A CITIZEN."

And the said James H. Peck, Judge as aforesaid, unmindful of the solemn duties of his station, and that he held the same, by the Constitution of the United States, during good behavior only, with intention wrongfully and unjustly to oppress, imprison, and otherwise injure the said Luke Edward Lawless, under color of law, did, thereafter, at a term of the said district court of the United States for the district of Missouri, begun and held at the city of St. Louis, in the State of Missouri, on the third Monday in April, one thousand eight hundred and twenty six, arbitrarily, oppressively, and unjustly, and under color and pretence that the said Luke Edward Lawless was answerable to the said court for the said publication signed "A Citizen," as for a contempt thereof, institute in the said court, before him, the said James H. Peck, Judge as aforesaid, certain proceedings against the said Luke Edward Lawless, in a summary way, by attachment, issued

or that purpose by the order of the said James H. Peck, as such Judge, against the person of the said Luke Edward Lawless, touching the said pretended contempt, under and by virtue of which said attachment the said Luke Edward Lawless was, on the twenty-first day of April, one thousand eight hundred and twenty six, arrested, imprisoned, and brought into the said court, before the said Judge, in the custody of the Marshal of the said State; and the said James H. Peck, Judge as aforesaid, did afterwards, on the same day, under the color and pretences aforesaid, and with the intent aforesaid, in the said court, then and there, unjustly, oppressively, and arbitrarily, order and adjudge that the said Luke Edward Lawless, for the cause aforesaid, should be committed to prison for the period of twenty-four hours, and that he should be suspended from practising as an attorney or counselor at law in the said district court for the period of eighteen calendar months from that day; and did then and there further cause the said unjust and oppressive sentence to be carried into execution; and the said Luke Edward Lawless was, by the order of the said James H. Peck, Judge as aforesaid, thereupon suspended from practising as such attorney or counselor in the said court, for the period aforesaid, and immediately committed to the common prison in the said city of St. Louis, to the great disparagement of public justice, the abuse of judicial authority, and to the subversion of the liberties of the people of the United States.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter, any further articles, or other accusation or impeachment, against the said James H. Peck, and also of replying to his answers which he shall make unto the article herein preferred against him, and of offering proof to the same, and every part thereof, and to all and every other articles, accusation, or impeachment, which shall be exhibited by them as the case shall require, do demand that the said James H. Peck may be put to answer the high misdemeanors in office herein charged against him, and that such proceedings, examinations, trials, and judgments, may be thereupon had and given as may be agreeable to law and justice.

The Vice President then took the opinion of the members of the court, respectively, in the form following:

Mr. Senator ——— how say you? is the respondent, James H. Peck, guilty or not guilty of high misdemeanors, as charged in the article of impeachment?

Those who pronounced him guilty, are,

Messrs. Barnard, Brown, Clayton, Dickerson, Dudley, Ellis, Forsyth, Hayne, Iredell, Kane, King, Livingston, McKinley, Poindexter, Robbins, Sanford, Smith, of Maryland, Smith, of South Carolina, Troup, Tyler, Woodbury.—21.

Those who pronounced him not guilty, are,

Messrs. Barton, Bell, Burnet, Chase, Foot, Frelinghuysen, Grundy, Hendricks, Holmes, Johnston, Knight, Marks, Naudain, Noble, Ruggles, Seymour, Silsbee, Sprague, Tazewell, Webster, White, Willey.—22.

Whereupon,

The Vice President declared that James H. Peck, Judge of the district court of the United States for the district of Missouri, is acquitted of the charges contained in the article of impeachment exhibited against him by the House of Representatives.

The court then adjourned *sine die*.

NOTE.—Mr Benton and Mr. Robinson were, at their request, excused from voting on the question of guilty or not guilty.

Senators of the United States whose seats become vacant in

1893.	1835.	1897.
Mr. Barnard, Penn. Benton, Missouri, Dickerson, N. J. Dudley, N. Y. Ellis, Mississippi, Foot, Connecticut, Grundy, Tenn. Holmes, Maine, Naudain, Delaware, Robbins, R. I. Ruggles, Ohio, Seymour, Vermont, Smith, Maryland, Tyler, Virginia, Webster, Mass. One vacancy in Indiana.	Mr. Bell, New Hamp. Bibb, Kentucky. Brown, N. Carolina, Clayton, Delaware, Frelinghuysen, N. J. Hayne, S. Carolina, King, Alabama, Knight, R. Island, Livingston, La. Poindexter, Miss. Robinson, Illinois, Silsbee, Mass. Sprague, Maine, Tazewell, Virginia, Troup, Georgia, White, Tennessee.	Mr. Buckner, Miss. Chambers, Md. Ewing, Ohio, Forsyth, Georg Hendricks, Ind Hill, N. Hamps Johnston, Louis Kane, Illinois, Mangum, N. C Marcy, New Y Miller, S. Caro Moore, Alabam Prentiss, Verm Tomlinson, Co Wilkins, Penn. One vacancy in Kent

LIST OF ACTS AND RESOLUTIONS

Passed at the second session of the twenty-first Congress.

SENATE.

- An act to provide for the further compensation of the Marshal of the district of Rhode Island.
- An act for the relief of Simeon C. Whittier.
- An act for the relief of the legal representatives of General Moses Hazen, deceased.
- An act for the relief of Lucien Harper.
- An act to establish ports of delivery at Port Pontchartrain and Delaware City, and for other purposes.
- An act for the relief of George Johnston.
- An act for the relief of Aaron Fitzgerald.
- An act authorizing the sale of a tract of land therein named.
- An act for the relief of Thomas Fitzgerald.
- An act for the relief of Joseph E. Sprague.
- An act for the relief of Ebenezer Rollins.
- An act for the relief of Beverly Chew, the heirs of William Emerson, deceased, and the heirs of Edwin Lorraine, deceased.
- An act making appropriations for carrying into effect certain Indian treaties.
- An act to amend an act entitled "An act to provide for paying to the State of Illinois three per cent. of the nett proceeds arising from the sale of the public lands within the same."
- An act to authorize the State of Illinois to surrender a township of land granted to said State for a seminary of learning, and to locate other lands in lieu thereof.
- An act for the relief of Henry Becker.
- An act for the relief of Samuel Nowell.
- An act to rectify the mistake in the name of William Tumey, an invalid pensioner.
- An act to authorize the transportation of merchandise by land or by water with the benefit of debenture.
- An act for the benefit of schools in Lawrence county, Mississippi.
- An act for the relief of the legal representatives of Peter Celestino Walker and John Peter Walker, deceased, and of Joseph Walker, of the State of Mississippi:
- An act further supplemental to the act entitled "An act making further provision for settling the claims to land in the Territory of Missouri," passed the thirteenth day of June, one thousand eight hundred and twelve.
- An act for the relief of Jonathan Crocker.
- An act supplemental to an act, passed on the thirty-first March, one thousand eight hundred and thirty, entitled "An act for the relief of purchasers of public lands, and for the suppression of fraudulent practices at the public sales of lands of the United States."

Senators of the United States whose seats become vacant in

1833.	1835.	1837.
<p>Mr. Barnard, Penn. Benton, Missouri, Dickerson, N. J. Dudley, N. Y. Ellis, Mississippi, Foot, Connecticut, Grundy, Tenn. Holmes, Maine, Naudain, Delaware, Robbins, R. I. Ruggles, Ohio, Seymour, Vermont, Smith, Maryland, Tyler, Virginia, Webster, Mass. One vacancy in Indiana.</p>	<p>Mr. Bell, New Hamp. Bibb, Kentucky. Brown, N. Carolina, Clayton, Delaware, Frelinghuysen, N. J. Hayne, S. Carolina, King, Alabama, Knight, R. Island, Livingston, La. Poindexter, Miss. Robinson, Illinois, Silsbee, Mass. Sprague, Maine, Tazewell, Virginia, Troup, Georgia, White, Tennessee.</p>	<p>Mr. Buckner, Missouri, Chambers, Md. Ewing, Ohio, Forsyth, Georgia, Hendricks, Indiana, Hill, N. Hampshire, Johnston, Louisiana, Kane, Illinois, Mangum, N. C. Marcy, New York, Miller, S. Carolina, Moore, Alabama, Prentiss, Vermont, Tomlinson, Conn. Wilkins, Penn. One vacancy in Kent'y.</p>

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- An act to amend the act entitled "An act to quiet the titles of certain purchasers of lands between the lines of Ludlow and Roberts, in the State of Ohio," approved the twenty-sixth of May, in the year eighteen hundred and thirty.
- An act for the relief of Jacob N. Cardozo.
- An act to authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong, for the maintenance of fifteen Africans, illegally imported into the United States.
- An act to amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the net proceeds arising from the sale of the public lands within the same."
- An act for the relief of James Thomas, late Quartermaster General of the Army of the United States.
- An act for the relief of Woodson Wren, of Mississippi.
- An act to incorporate St. Vincent's Orphan Asylum, in the District of Columbia.
- An act for the relief of Joseph S. Cannon.
- An act granting a pension to Martin Miller.
- An act to alter and amend "An act to set apart and dispose of certain public lands for the encouragement of the cultivation of the vine and olive."
- An act for the relief of Samuel Coburn, of the State of Mississippi.
- An act for the relief of certain holders of certificates issued in lieu of lands injured by earthquakes in Missouri.
- An act for the relief of Hugh Barnes.
- An act to authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida.
- An act for the relief of Peters and Pond.
- An act for the relief of John Daly, late of Canada.
- An act for the relief of Antoine Dequindre, and the legal representatives of Louis Dequindre, deceased.
- An act making provision for the compensation of witnesses, and payment of other expenses attending the trial of the impeachment of James H. Peck.
- An act for the relief of William Burris, of Mississippi.
- An act for the relief of James Sprague.
- An act for the relief of William B. Matthews, trustee.
- An act for the relief of the legal representatives of Daniel McIntire, deceased.
- An act to amend the act granting "certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers," approved the 23d day of May, 1828.
- An act for the relief of George B. Dameron and William Howze, of Mississippi.
- An act for the relief of Benjamin S. Smoot, of Alabama.
- An act for the relief of Duval and Carnes.
- An act for the continuation of the Cumberland road in the States of Ohio, Indiana, and Illinois.
- An act for the relief of Brevet Major Riley, and Lieutenants Brook and Seawright.
- An act for the relief of James Hogland.
- An act for the relief of John Gough, and other Canadian refugees.
- An act for the relief of William Smith, administrator of John Taylor, deceased.

An act making appropriations for the military service for the year one thousand eight hundred and thirty-one.

An act for the benefit of Percis Lovely.

An act to authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, upon the river Potomac.

An act making appropriations for certain fortifications during the year one thousand eight hundred and thirty-one.

An act making appropriations for the Indian Department for the year one thousand eight hundred and thirty-one.

An act making additional appropriations for the improvement of certain harbors, and removing obstructions in the mouths of certain rivers.

An act making appropriations for carrying on certain roads and works of internal improvement, and for providing for surveys.

An act for the sale of the lands in the State of Illinois reserved for the use of the salt springs on the Vermillion river, in that State.

An act to repeal the charges imposed on passports and clearances.

An act for the relief of Mrs. Clarissa B. Harrison.

An act making appropriations for building light-houses, light-boats, beacons, and monuments, and placing buoys.

An act for the relief of Christopher Bechtler.

An act declaratory of the law concerning contempts of court.

An act for the relief of certain importers of foreign merchandise.

An act to carry into effect certain Indian treaties.

An act making provision for a subscription to a compilation of congressional documents.

An act to provide for the punishment of offences committed in cutting, destroying, or removing live oak and other timber or trees reserved for naval purposes.

RESOLUTION.

Resolution in relation to the transmission of public documents printed by order of either House of Congress.

- An act for the relief of Richard Smith, and William Pearse, the second, of Bristol, in Rhode Island.
- An act to regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes.
- An act making appropriations for the public buildings, and for other purposes.
- An act for the relief of William Clower.
- An act for closing certain accounts, and making appropriations for arrearages, in the Indian Department.
- An act to provide hereafter for the payment of six thousand dollars, annually, to the Seneca Indians, and for other purposes.
- An act to change the time of holding the rule term of the circuit court for the district of West Tennessee.
- An act to authorize the construction of three schooners for the naval service of the United States.
- An act for the relief of the legal representatives of Edward Moore, deceased.
- An act to extend the act entitled "An act for further extending the powers of the Judges of the Superior Court of the Territory of Arkansas, under the act of the 26th day of May, 1824," and for other purposes.
- An act to alter the time of holding the district courts of the United States for the districts of Maine and Illinois, and northern district of Alabama.
- An act authorizing the Secretary of State to issue a patent to John Po
- An act to ascertain and mark the line between the State of Alabama Territory of Florida, and the northern boundary of the State of Illinois and for other purposes.
- An act to authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia.
- An act allowing the duties on foreign merchandise imported into Pittsburgh, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez be secured and paid at those places.
- An act to provide for the adjustment of claims of persons entitled to indemnification under the convention between the United States and his Majesty the King of Denmark, of the 28th March, 1830, and for the distribution among such claimants of the sums to be paid by the Danish Government to that of the United States according to the stipulation of the said convention.
- An act for the relief of Matthias Roll and William Jackson.
- An act making appropriations for the support of Government for the year 1831.
- An act for the relief of Daniel Jackson and Lucius M. Higgins, of Newbern, in North Carolina.
- An act making appropriations for the naval service for the year one thousand eight hundred and thirty-one.
- An act to extend the time for entering certain donation claims to land in the Territory of Arkansas.
- An act to amend the act for taking the fifth census.
- An act making appropriations for the payment of revolutionary and invalid pensioners.

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- Adamson, John*, S. 128. To extend the patent of John Adamson for a further period of fourteen years.
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- Alabama*, S. 51. To amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same.
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- S. 89. To amend the act granting certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, approved the 23d day of May, 1828.
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- Armstrong, F. W.*—See *Livingston and Armstrong*.
- Army*, S. 4. To authorize the mounting and equipment of a part of the army of the United States.
1 r. 37, 2 r. and ref. 40, rep. 43, 46, 48, 67, 3 r. and p. 70.
See *Appropriations*.
- Assent of Congress*—See *Ohio*.
- Auditor*, H. R. 638. To adjust the accounts of the Fourth Auditor's books.
2 r. and ref. 157, rep. 161.

B.

- Babbit, Fitz Henry*—See *Pensions granted*.
- Back Creek*—See *Appropriation*.
- Bailey and Rinker*, S. 121. For the relief of the representatives of Thomas Bailey and James Rinker.
2 r. and ref. 112.
- Bargy, Peter, and others*, H. R. 307. For the relief of Peter Bargy, jr., Stephen Norton, and Hiram Wolverton.
1 r. 162, 2 r. and ref. 169, rep. 175.
- Barker, Josiah*, H. R. 651. Authorizing the Register and Receiver of the St. Helena land district, in Louisiana, to receive evidence respecting the claim of Josiah Barker, assignee of Madam Hindson, to a tract of land therein mentioned.
1 r. 177, 181, 2 r. and ref. 187, rep. 195.
- Barnes, Hugh*—See *Pension arrears*.
- Bastrop*—See *Land Claims*.
- Bechtler, Christopher*, H. R. 617. For the relief of Christopher Bechtler.
2 r. and ref. 151, rep. 154, 3 r. and p. 221, ex. 223, s. and p. 224, app. 229.
- Becker, Henry*—See *Pensions granted*.

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- Beckett, Humphrey*—See *Pensions granted*.
- Belger, James*—See *Pensions granted*.
- Berryhill, John*—See *Pensions granted*.
- Bird, Nathaniel, H. R. 340.* For the relief of Nathaniel Bird.
1 r. 186-7, 2 r. and ref. 188, rep. 194.
- Blakely, S. 138.* To repeal the act to establish the district of Blakely.
1 r. 124, 2 and 3 r. and p. 191, 203, ex. 206, s. 212, p. 214, app. 220.
- Bonnabel, Antoine, H. R. 641.* For the relief of the legal representatives of Antoine Bonnabel.
1 r. 162, 2 r. and ref. 169.
- Boone, John*—See *Pensions granted*.
- Borell, Eugene, H. R. 253.* For the relief of Eugene Borell, of Louisiana.
1 r. 133, 135, 2 r. and ref. 136, rep. 138.
- Bosseler, John, H. R. 642.* For the relief of John Bosseler, his heirs or assigns.
1 r. 170, 2 r. and ref. 172, rep. 174, 195.
- Boundary*—See *Alabama, Florida, and Illinois*.
- Bradshaw, William, S. 71.* For the relief of William Bradshaw.
2 r. and ref. 79, rep. 128.
- Brahan and Read, S. 28.* For the relief of John Brahan and John Read.
1 r. 45, 2 r. and ref. 48, rep. 56, 64, 3 r. and p. 67.
- Bridge*—See *District of Columbia*.
- Brodie, Alexander O., H. R. 628.* For the relief of John Oswald Brodie, of New York.
1 r. 155, 2 r. and ref. 157, rep. 160.
- Brook, Lieutenant*—See *Major Riley and others*.
- Brooke, Edmund, H. R. 295.* For the relief of Edmund Brooke.
1 r. 162, 2 r. and ref. 169, 174, rep. 202.
- Brown, George, H. R. 309.* For the relief of the sureties of George Brown, deceased, late collector of internal duties and direct tax for the first district in the State of Maryland.
1 r. 162, 2 r. and ref. 169, rep. 171.
- Browning, Samuel, S. 106.* To extend the patent of Samuel Browning for a further period of fourteen years.
1 r. 101, 2 r. 127, 3 r. and p. 132, 223, ex. 223, s. and p. 224, app. 230.
- Brunson, John, S. 13.* For the relief of John Brunson.
1 r. 39, 2 r. and ref. 43, rep. 45, 50, 3 r. and p. 51.
- Buhler, John, H. R. 250.* For the relief of John Buhler, of Louisiana.
1 r. 133, 135, 2 r. and ref. 136, rep. 151.
- Burriss, William, S. 79.* For the relief of William Burriss, of Mississippi.
1 r. 84, 2 r. and ref. 87, rep. 94, 108, 3 r. and p. 110, 141, 143, ex. 150, s. 151, 152, p. 157, app. 208.
- Bush, Philip, H. R. 306.* For the relief of John Bruce, administrator of Philip Bush.
1 r. 162, 2 r. and ref. 169, rep. 194, 196, laid on table, 218.

C.

- Campbell, John, H. R. 323.* For the relief of the heirs and representatives of John Campbell, late of the city of New York, deceased.
1 r. 162, 2 r. and ref. 169, rep. 194.
- Canal*—See *Florida*.
- Canfield, Ezekiel*—See *Pensions granted*.
- Cannon, Joseph S.*—See *Pensions granted*.
- Card, Thurston*—See *Pensions granted*.

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- Cardozo, J. N.**, S. 49. For the relief of J. N. Cardozo.
2 r. and ref. 59, rep. 86, 102, 3 r. and p. 105, 216, ex. 218, t. and p. 219, app. 220.
- Carnes**—See *Duval and Carnes*.
- Carroll, William T.**—See *Clerk of the Supreme Court*.
- Carter, Farish**, S. 167. For the relief of Farish Carter.
1 r. 157.
- Case, Henry**, S. 36. For the relief of Henry Case.
2 r. and ref. 54, rep. 97, 111.
- Census**, H. R. 535. To amend the act for taking the fifth census.
2 r. and ref. 74, rep. 110, 116, 3 r. and p. 118, 123, ex. and s. 125, p. 127, app. 218.
- Chamberlain, Joseph, and others**—See *Pensions granted*.
- Chandler and Johnson**, S. 110. For the relief of John Chandler and William Johnson.
2 r. and ref. 103, rep. 118.
- Chaplin, David, and others**—See *Pensions granted*.
- Cheever, Nathaniel, and others**, S. 116. For the relief of Nathaniel Cheever and others.
1 r. 107, 2 and 3 r. and p. 189, 216, ex. 218, s. and p. 219, app. 220.
- Chew, Beverly, and others**, S. 22. For the relief of Beverly Chew, the heirs of William Emmerson, deceased, and the heirs of Edwin Lorrain, deceased.
1 r. 43, 2 r. and ref. 45, 78, rep. 113, 3 r. and p. 191, 223, ex. 223, s. and p. 224, ap. 230.
- Christy, William**—See *Pensions granted*.
- Claims**—See *Denmark*.
- Cleer, Peter**—See *Pensions granted*.
- Clerks**, S. 146. Relative to the duties of the clerks in the Executive Departments.
2 r. and ref. 129, rep. 139.
- Clerk Supreme Court**, H. R. 286. For the relief of William T. Carroll, Clerk of the Supreme Court of the United States.
1 r. 162, 2 r. and ref. 169, rep. 171, 3 r. and p. 215, ex. s. and p. 222, sp. 229.
- Clower, William**, H. R. 491. For the relief of William Clower.
1 r. 162, 2 r. and ref. 169, rep. 170, 3 r. and p. 191, ex. and s. 197, p. 206, app. 221.
- Coasting trade**, H. R. 376. To regulate the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, and for other purposes.
2 r. and ref. 173, rep. 175, 3 r. and p. 213, 219, ex. s. and p. 222, sp. 223.
- Coburn, Samuel**, S. 69. For the relief of Samuel Coburn, of Mississippi.
1 r. 79, 2 r. 87, 3 r. and p. 91, 228, ex. s. and p. 239, app. 230.
- Cohen, Charles**—See *Charles Comb*.
- Coins**, S. 6. Concerning the gold coins of the United States.
1 r. 39, 2 r. 44, 87, 3 r. and p. 91.
- Comb, Charles**, H. R. 232. For the relief of the children of Charles Comb, or Cohen, and his late wife Margarite, previously Margarite Dozi.
1 r. 133, 135, 2 r. and ref. 136, rep. 138.
- Compensation**, S. 2. To provide for the further compensation of the Marshal of the district of Rhode Island.
1 r. 35, 2 r. and ref. 38, rep. 58, 64, 3 r. and p. 67, 216, ex. 217, s. and p. 219, ap. 220.
- Cone, Jared**—See *Pensions granted*.

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- Contempts*—See *Courts*.
- Controversies between States*, S. 14. Prescribing the modes of commencing, prosecuting, and deciding controversies between States.
1 r. 39, 2 r. and ref. 43.
- Conveyances*—See *District of Columbia*.
- Cooper, Thomas*, S. 23. For the relief of Thomas Cooper, of South Carolina.
1 r. 43, 2 r. and ref. 45, rep. 113.
- Copy-rights*, H. R. 145. To amend the several acts respecting copy-rights.
1 r. 78, 2 r. and ref. 82, rep. 97, 117, 3 r. and p. 118, ex. and s. 125, p. 127, app. 218.
- Cornell, Thomas F.*, H. R. 258. For the relief of Thomas F. Cornell.
1 r. 133, 2 r. and ref. 136, rep. 139.
- Courts*, S. 136. For the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana.
1 r. 122, 2 and 3 r. and p. 191, 223, ex. 223, s. and p. 224, app. 230.
- S. 142. Respecting the jurisdiction of certain district courts.
1 r. 127, 2 r. 133, 3 r. and p. 137, 141, ex. 150, s. 151, 152, p. 157, app. 208.
- S. 153. Authorizing appeals, writs of error, and supersedeas to the supreme court of the United States in certain cases.
2 r. and ref. 139.
- H. R. 502. To change the time of holding the rule term of the circuit court for the district of West Tennessee.
2 r. and ref. 55, rep. 69, 73, 3 r. and p. 74, ex. 84, s. 85, p. 88.
- H. R. 513. To extend the act entitled "An act for further extending the powers of the judges of the superior court of the Territory of Arkansas, under the act of the 26th day of May, 1824, and for other purposes."
2 r. and ref. 192, rep. 204, 3 r. and p. 205, ex. 207, s. 212, p. 214, ap. 221.
- H. R. 514. To alter the times of holding the district courts of the United States for the districts of Maine and Illinois, and northern district of Alabama.
1 r. 62-3, 2 r. and ref. 66, rep. 73, 87, 78, 3 r. and p. 100, ex. 106, s. 112, p. 116.
- H. R. 620. Declaratory of the law concerning contempts of courts.
1 r. 192, 2 r. and ref. 196, rep. and 3 r. and p. 205, 209, ex. 210, s. 212, p. 214, app. 222.
- H. R. 625. To change the place of holding the circuit and district courts of the United States from Exeter to Concord, in the State of New Hampshire.
1 r. 155, 2 r. and ref. 157.
- Courts, Eleanor*, H. R. 302. For the relief of Eleanor Courts, widow of Richard Henley Courts, deceased.
1 r. 162, 2 r. and ref. 169, rep. 194, laid on the table, 219.
- Cox, John P.*, S. 83. For the relief of the representatives of John P. Cox.
2 r. and ref. 89, com. discharged, 204.
- Crimes*—See *District of Columbia*.
- Crocker, Jonathan*—See *Pensions granted*.
- Crosby, Eliakim*, H. R. 319. For the relief of Eliakim Crosby.
1 r. 162, 2 r. and ref. 169, rep. 175.
- Culbertson, John*, S. 136. For the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana.
1 r. 122, 2 and 3 r. and p. 191, 223, ex. 223, s. and p. 224, app. 230.

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Cunningham, John—See *Pensions granted*.
Custom-house—See *New York*.

D.

- Daly, John, S. 76.** For the relief of John Daly, late of Canada.
 1 r. 82, 2 r. 100, 3 r. and p. 102, 216, ex. 218, s. and p. 219, app. 220.
- Dameron and Howze, S. 90.** For the relief of George B. Dameron and William Howze, of Mississippi.
 1 r. 94, 2 r. 108, 3 r. and p. 110, 228, ex. s. and p. 229, app. 230.
- Davies, James**—See *William D. King and others*.
- Davis, Amasa, jr.**—See *John Heard*.
- Debenture, S. 35.** To authorize the transportation of merchandise by land or by water with the benefit of debenture.
 1 r. 50, 2 r. and ref. 52, rep. 58, 64, 3 r. and p. 67, 123, ex. 134, s. 135, p. 144, app. 208.
 See *Key West*.
- Delapierre, Bartholomew**—See *Pensions granted*.
- Delassus, Carlos Dehault; S. 10.** For the relief of Don Carlos Dehault Delassus.
 1 r. 39, 2 r. and ref. 43, rep. 116.
- Delzell, Wm.**—See *Pensions granted*.
- Denmark, H. R. 523.** To provide for the adjustment of claims of persons entitled to indemnification under the convention between the United States and his Majesty the King of Denmark, of the 28th March, 1830, and for the distribution among such claimants of the sums to be paid by the Danish Government to that of the United States, according to the stipulation of the said convention.
 1 r. 154, 2 r. and ref. 157, rep. 3, r. and p. 159, ex. and s. 176, p. 179, app. 218.
- Dequindre, A. and L., S. 77.** For the relief of Antoine Dequindre and the legal representatives of Louis Dequindre, deceased.
 1 r. 83, 2 r. 102, 3 r. and p. 105, 223, ex. 223, s. and p. 224, app. 230.
- Dequindre, A., and others, H. R. 318.** For the relief of Antoine Dequindre, Richard Smith, and others, Michigan volunteers.
 1 r. 162, 2 r. and ref. 169, rep. 170.
- District of Columbia, S. 65.** To incorporate the St. Vincent's Orphan Asylum in the District of Columbia.
 1 r. 72, 2 r. 85, 3 r. and p. 87, 172, 173, ex. and s. 176, p. 179, app. 208.
- S. 164.** Relative to militia fines within the District of Columbia.
 1 r. 151.
- H. R. 334.** To incorporate a fire insurance company in Georgetown, in the District of Columbia.
 2 r. and ref. 57, rep. 122, 3 r. and p. 215, ex. s. and p. 222, app. 223.
- H. R. 339.** For the punishment of crimes in the District of Columbia.
 1 r. 62, 2 r. and ref. 63, rep. 123, 152, 153, 3 r. and p. 173, 177, ex. 179, s. 185, p. 206, app. 221.
- H. R. 343.** Making appropriations for the completion and support of the penitentiary in the District of Columbia, and for other purposes.
 1 r. 62-3, 2 r. and ref. 66, rep. 110, 140, 3 r. and p. 143, 151, ex. 153, s. 154, p. 179, app. 218.

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District of Columbia, H. R. 517. To authorize the extension, construction, and use of a lateral branch of the Baltimore and Ohio rail road, into and within the District of Columbia.

2 r. and ref. 151, rep. 164, 3 r. and p. 190, 197, ex. and s. 203, p. 206, ap. 222.

H. R. 561. Being an additional supplement to an act entitled "An act for quieting possessions, enrolling conveyances, and securing the estates of purchasers.

2 r. and ref. 151, rep. 170.

H. R. 564. To alter the bridge and draw over the Potomac river, in the District of Columbia.

1 r. 162, 2 r. and ref. 169, rep. 170, 224.

H. R. 608. To extend the limits of Georgetown, in the District of Columbia.

1 r. 172, 2 r. and ref. 173, rep. 175.

H. R. 613. Further to amend the act entitled "An act to incorporate the inhabitants of the city of Washington," &c., passed on the 15th day of May, 1820.

2 r. and ref. 189, rep. 209.

H. R. 615. To revive and amend an act entitled "An act to incorporate a company for making a certain turnpike road in the county of Washington, in the District of Columbia.

2 r. and ref. 151, rep. 159.

Documents, H. R. 652. Making provision for a subscription to a compilation of congressional documents.

1 r. 186, 187, 2 r. 197, 3 r. and p. 206, ex. 207, s. 212, p. 214, app. 221.

Doddridge, Philip—See *Purchasers of lands in Ohio*.

Dozi, Margerite—See *Charles Comb*.

Drawback, S. 162. To allow a drawback on exported nails manufactured from imported iron.

1 r. 147.

See *Debenture*.

Duties, S. 84. To repeal the charges imposed on passports and clearances, and the duties on spices.

1 r. 66, 2 r. 71, 3 r. and p. 72.

S. 95. To reduce the duties on Indian blankets and certain other Indian goods not manufactured in the United States.

1 r. 95, 2 r. and ref. 100, rep. 106, 144.

S. 101. To repeal the duties on certain imported articles.

1 r. 99, 2 r. 121.

S. 147. To reduce and fix duties on sugars imported in the United States.

2 r. and ref. 132, rep. 151.

S. 126. Supplementary to the act to reduce the duty on salt.

1 r. 114, 2 and 3 r. and p. 192.

S. 159. To reduce the duty on foreign books.

1 r. 142, 2 r. and ref. 145, rep. 157.

H. R. 520. Allowing the duties on foreign merchandise imported into Pittsburg, Wheeling, Cincinnati, Louisville, St. Louis, Nashville, and Natchez, to be secured and paid at those places.

1 r. 189, 2 r. and ref. 196, rep. and 3 r. and p. 205, ex. and s. 212, p. 214, app. 221.

Duties remitted—See *B. J. Flaget—Importers—Kenyon College*.

Duval and Carnes, S. 93. For the relief of Duval and Carnes.

1 r. 95, 2 r. 108, 3 r. and p. 110, 223, ex. 223, s. and p. 224, app. 230.

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E.

Edwards, Amos, H. R. 522. For the relief of the sureties of Amos Edwards.

1 r. 170, 2 r. and ref. 170, rep. 175.

Emmerson, William—See *Beverly Chew and others*.

F.

Fire Insurance Company—See *District of Columbia*.

Fitzgerald, Aaron—See *Pensions increased*.

Fitzgerald, Thomas—See *Pension, arrears of*.

Flaget, B. J., S. 94. For the relief of Benedict Joseph Flaget.

1 r. 95, 2 r. and r.f. 98.

H. R. 396. For the relief of Benedict Joseph Flaget.

1 r. 162, 2 r. and ref. 169, rep. 171.

Florida, S. 63. To establish a town at St. Mark's, and at the mouth of Appalachicola river, in Florida.

1 r. 72, 2 r. 80.

S. 74. To authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida.

1 r. 79, 2 r. 91, 3 r. and p. 95, 216, 217, ex. and s. and p. 219, app. 222.

S. 141. To amend the laws organizing a territorial government in Florida.

2 r. and ref. 126.

H. R. 516. To ascertain and mark the line between the State of Alabama and Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes.

1 r. 62-3, 2 r. and ref. 66, rep. 74, 87, 3 r. and recom. 91, rep. 95, 111, 3 r. and p. 112, 213, ex. 217, s. and p. 219, app. 222.

H. R. 591. To direct the manner of issuing patents on confirmed land claims in the Territory of Florida.

1 r. 129, 2 r. and ref. 132, rep. 151.

Flournoy and Ward, H. R. 284. Providing for the relief of Mathews Flournoy and R. J. Ward, of the State of Mississippi.

1 r. 162, 2 r. and ref. 169, rep. 175.

Fogg, Jonathan—See *Pensions granted*.

Forbes, Abraham, H. R. 616. For the relief of Abraham Forbes.

2 r. and ref. 151, rep. 154.

Foreman, Anthony, H. R. 425. For the relief of the representatives of Anthony Foreman.

1 r. 162, 2 r. and ref. 169, rep. 175.

Forsythe, Robert A., H. R. 337. For the relief of Robert A. Forsythe.

1 r. 162, 2 r. and ref. 169, rep. 171.

Fort Delaware, S. 163. For the relief of the officers and soldiers of fort Delaware.

2 r. and ref. 149, rep. 157, 3 r. and p. 190.

Fort Gansevoort, H. R. 631. To enable the Secretary of War to release the title of the United States to fort Gansevoort in the harbor of New York.

1 r. 155, 2 r. and ref. 157, rep. 175.

Fort Jackson, S. 139. To authorize the sale of lands reserved from sale at Fort Jackson, in the State of Alabama.

1 r. 120.

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- Fort Washington*, H. R. 542. To authorize the Secretary of War to purchase an additional quantity of land for the fortifications at fort Washington, upon the river Potomac.
1 r. 81, 2 r. and ref. 84, rep. 107, 3 r. and p. 191, ex. and s. 197, p. 206, app. 221.
- French spoliations*—See *Spoliations*.
- Frontier trade*—See *Coasting trade*.
- Frugé, John*, H. R. 316. For the relief of John Frugé, of Louisiana.
1 r. 162, 2 r. and ref. 169, rep. 174.

G.

- Gallop, William*—See *Pensions granted*.
- Gardner, Sophia*—See *Pensions granted*.
- Garrison, Jonah*—See *Pension, arrears of*.
- Georgetown*—See *District of Columbia*.
- Georgia*, S. 166. To authorize the laying out and constructing a road from Line creek to the Chattahoochie, and for repairing the road on which the mail is now transported.
1 r. 154, 2 r. 173, 3 r. and p. 175.
- Gibbon, James*, H. R. 312. For the relief of James Gibbon.
1 r. 162, 2 r. and ref. 169, 174.
- Gibbs, Benjamin*, S. 99. For the relief of Benjamin Gibbs.
1 r. 97, 2 r. and ref. 100.
- Gibbs, Benjamin*, H. R. 214. For the relief of Benjamin Gibbs.
1 r. 133, 2 r. and ref. 135, rep. 142.
- Gibbs, William*, S. 34. For the relief of the sureties of William Gibbs, deceased, late a paymaster in the Army of the United States.
1 r. 50, 2 r. and ref. 51.
- Girod, John F.*, H. R. 314. For the relief of John F. Girod, of Louisiana.
1 r. 162, 2 r. and ref. 169, rep. 174.
- Gordon, Thomas*, H. R. 297. For the relief of the legal representatives of Thomas Gordon, deceased.
1 r. 133, 2 r. and ref. 135, rep. 194.
- Gough, John, and others*, S. 104. For the relief of John Gough and others, Canadian refugees.
1 r. 101, 2 r. 121, 3 r. and p. 123, 228, ex. s. and p. 229, app. 230.
- Guard, David*—See *Land, sale of*.

H.

- Hale, Israel, and others*—See *Pensions granted*.
- Hamblin, America, and others*—See *Pensions granted*.
- Harper, Lucien*, S. 8. For the relief of Lucien Harper.
1 r. 39, 2 r. 44, 3 r. and p. 45, 216, ex. 217, s. and p. 219, app. 220.
- Harris and Farrow*, H. R. 626. Directing the settlement of the claim of Harris and Farrow.
1 r. 155, 2 r. and ref. 157, rep. 161.
- Harrison, C. B.*, H. R. 602. For the relief of Mrs. Clarissa B. Harrison.
1 r. 170, 2 r. and ref. 172, rep. 175, 3 r. and p. 190, 197, ex. and s. 203, p. 206, app. 221.
- Harrison, John H.*, S. 172. For the relief of John H. Harrison.
1 r. 164.

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H. R. 291. For the relief of the heirs of Nicholas Hart,

162, 2 r. and ref. 169, 171, rep. 179.

y H., H. R. 223. For the relief of Mary H. Hawkins.

1 r. 133, 2 r. and ref. 135, rep. 143.

es, S. 7. For the relief of the legal representatives of General
loses Hazen, deceased.

1 r. 39, 2 r. 44, 147, 3 r. and p. 152, 228, ex. a. and p. 229, app. 230.

John, H. R. 329. For the relief of John Héard, jr., surviving as-
signee of Amasa Davis, jr.

1 r. 162, 2 r. and ref. 169, rep. 171.

ckman, *Paschal*, S. 134. For the relief of the administratrix of Captain
Paschal Hickman.

1 r. 120.

Higgins, *Lucius M.*—See *Jackson and Higgins*.

Hines, *Hezekiah*—See *Pensions granted*.

Hindson, *Madam*—See *Josiah Parker*.

Hoffman, *William*, H. R. 606. For the relief of William Hoffman, a Ca-
nadian volunteer.

1 r. 139, 2 r. and ref. 140, rep. 151.

Hogland, *James*, S. 103. For the relief of James Hogland.

1 r. 101, 2 r. 121, 3 r. and p. 123, 228, ex. s. and p. 229, app. 230.

Hoit, *Gates*, H. R. 268. Authorizing the Third Auditor to examine into, and
report upon, certain claims of Gates Hoit against the United States.

1 r. 161, 2 r. and ref. 169, rep. 174.

Hook, *Stephen*, H. R. 277. For the relief of Stephen Hook.

1 r. 162, 2 r. and ref. 169, rep. 171.

Hoppas, *George*—See *Watson and Hoppas*.

Howze, *William*—See *Dameron and Howze*.

Hulse, *Joseph*, H. R. 289. For the relief of the widow and heirs of Joseph
Hulse, deceased.

1 r. 162, 2 r. and ref. 169, rep. 171.

I.

Illinois, S. 25. To amend the act entitled "An act to provide for pay-
ing to the State of Illinois three per cent. of the nett proceeds aris-
ing from the sale of the public lands within the same.

1 r. 45, 2 r. and ref. 48, rep. 54, 59, 3 r. and p. 61, 76, ex. 84, s. 85, p. 88,
app. 208.

S. 26. To authorize the State of Illinois to surrender a township
of land granted to said State for a seminary of learning, and to
locate other lands in lieu thereof.

1 r. 45, 2 r. and ref. 48, rep. 54, 59, 3 r. and p. 61, 217, ex. 218, s. and p.
219, app. 220.

S. 37. To establish two land districts in Illinois.

1 r. 54, 2 r. 60.

S. 139. Authorizing the States of Indiana, Illinois, and Missouri,
to dispose of certain salt springs, and lands reserved for the use
of the same.

1 r. 124.

H. R. 514. To alter the times of holding the district courts of the
United States for the districts of Maine and Illinois, and the
northern district of Alabama.

1 r. 62, 63, 2 r. and ref. 66, rep. 73, 87, 98, 3 r. and p. 100, ex. 104, s.
112, p. 114.

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- Illinois**, H. R. 516. To ascertain and mark the line between the State of Alabama and Territory of Florida, and the northern boundary of the State of Illinois, and for other purposes.
1 r. 62, 63, 2 r. and ref. 66, rep. 74, 87, 3 r. and recom. 91, rep. 95, 111, 3 r. and p. 112, 213, ex. 217, s. and p. 219, app. 222.
- H. R. 588. For the sale of the lands in the State of Illinois reserved for the use of the salt springs on the Vermillion river, in that State.
1 r. 133, 135, 2 r. and ref. 136, rep. 151, 3 r. and p. 191, ex. and s. 197, p. 206, app. 221.
- See *Roads*.
- Importers**, H. R. 634. For the relief of certain importers of foreign merchandise.
1 r. 162, 2 r. and ref. 169, rep. 172, 3 r. and p. 175, ex. 179, s. 185, p. 206, app. 221.
- Indiana**, S. 59. To enable the President to extinguish Indian title within the State of Indiana.
1 r. 69, 2 r. 77, 3 r. and p. 80.
- S. 123. To authorize the State of Indiana to make a road through the public lands, and making a grant of lands to aid the State in so doing.
1 r. 114.
- S. 139. Authorizing the States of Indiana, Illinois, and Missouri, to dispose of certain salt springs, and lands reserved for the use of the same.
1 r. 124.
- S. 152. Confirming the selections heretofore made of lands for the construction of the Michigan road in the State of Indiana.
1 r. 138, 2 and 3 r. and p. 188, 216, ex. 218, s. and p. 219, app. 220.
- See *Land offices—Roads*.
- Indian depredations**—See *Joshua Kennedy*.
- Indian removals**, S. 112. To provide for the removal of certain Indians from the State of Missouri.
1 r. 104, 2 r. 144, 3 r. and p. 145.
- Indian subagent**, S. 113. To authorize the appointment of a subagent to the Winnebago Indians on Rock river.
1 r. 104, 2 r. 143, 3 r. and p. 145, 172, ex. and s. 176, p. 179, app. 208.
- Indian treaties**—See *Appropriations, Indian*.
- Indians, Seneca**, H. R. 481. To provide hereafter for the payment of six thousand dollars annually to the Seneca Indians, and for other purposes.
1 r. 64, 66, 2 r. and ref. 70, rep. 75, 87, 99, 128, 3 r. and p. 132, 134, ex. 150, s. 151, 152, p. 157, app. 218.
- Innis, George**, H. R. 247. For the relief of George Innis, of New York.
1 r. 133, 135, 2 r. and ref. 136, rep. 154.
- Insolvent debtors**, H. R. 336. For the relief of certain insolvent debtors of the United States.
1 r. 172, 2 r. and ref. 173, rep. 175, 3 r. and p. 195, ex. 207, s. 212, p. 214, app. 221.
- Interest**, S. 48. For the adjustment and settlement of the claims of the State of South Carolina against the United States.
2 r. and ref. 59.
- S. 81. To provide for the settlement of the claims of States for interest on advances to the United States, made during the last war.
2 r. and ref. 86, rep. 97, 115.

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Internal improvement, H. R. 584. Making appropriations for carrying on certain roads and works of internal improvement, and providing for surveys.

1 r. 177, 2 r. and ref. 181, rep. 194, 3 r. and p. 210, 211, 212, 219, ex. d. and p. 222, app. 223.

Irwin, Matthew, S. 151. For the relief of Matthew Irwin.

2 r. and ref. 134, com. discharged 204.

J.

Jackson and Higgins, H. R. 529. For the relief of Daniel Jackson and Lucius M. Higgins, of Newbern, in North Carolina.

1 r. 135, 187, 2 r. and ref. 196, rep. 3 r. and p. 205, ex. 207, s. 212, p. 214, app. 221.

Jackson, William—See *Roll and Jackson*.

Jacobs, John J., S. 149. For the relief of John J. Jacobs.

1 r. 132.

James, Blisha—See *Pensions granted*.

Jefferson College, S. 157. For the relief of Jefferson College, in the State of Mississippi.

1 r. 142.

Jefferson, Thomas, S. 154. Concerning Martha Randolph, daughter and only surviving child of Thomas Jefferson, deceased.

2 r. and ref. 140, rep. 169.

Johnson, William—See *Chandler and Johnson*.

Johnston, George, S. 11. For the relief of George Johnston.

1 r. 39, 2 r. and ref. 43, rep. 72, 85, 90, 3 r. and p. 95, 216, ex. 217, s. and p. 219, app. 220.

Judges—See *Courts*.

K.

Kain, John—See *Pensions granted*.

Keep, Samuel, H. R. 423. For the relief of the legal representatives of Samuel Keep, deceased.

1 r. 133, 135, 2 r. and ref. 136, rep. 140.

Kennard, David—See *Pensions granted*.

Kennedy, Joshua, S. 60. To provide for the payment of Joshua Kennedy, of Alabama, for the losses sustained by him by the destruction of his property, in the year 1813, by the hostile Creek Indians, in consequence of its having been occupied as a fort or garrison by the troops of the United States.

1 r. 69, 2 r. 77, 82, 3 r. and p. 85.

Kenyon College, H. R. 300. To remit the duties imposed upon certain articles imported for the use of the Theological Seminary and Kenyon College, in Ohio.

1 r. 162, 2 r. and ref. 169, rep. 171.

Key West, S. 5. Extending further the right of debenture to the port of Key West, and altering the limits of the district of Key West.

1 r. 37, 2 r. and ref. 41, rep. 83, 102.

Kilburn, David, H. R. 238. To compensate David Kilburn for services rendered by him to the United States, during the late war.

1 r. 133, 2 r. and ref. 135, rep. 142.

King, William D., and others, H. R. 308. For the relief of William D.

King, James Daviess, and Genland Lincecum.

1 r. 162, 2 r. and ref. 169, rep. 171.

BILLS.

Kinney, William—See *Pensions granted.*

Knight, John, H. R. 393. For the relief of John Knight.

1 r. 162, 2 r. and ref. 169, 174, rep. 187.

L.

Land claims, S. 44. To provide for the legal adjudication and settlement of the claims to land therein mentioned, (Maison Rouge, Bastrop, and Winters.)

1 r. 57, 2 r. and ref. 59, rep. 86, 103, 105, 3 r. and p. 107.

S. 140. Giving further time for registering claims to land in the eastern district of Louisiana.

2 r. and ref. 125.

H. R. 593. To extend the time for entering certain donation claims to land in the Territory of Arkansas.

1 r. 71, 72, 2 r. and ref. 74, rep. 79, 92, 3 r. and p. 95, ex. 105, s. 112, p. 114.

H. R. 591. To direct the manner of issuing patents on confirmed land claims in the Territory of Florida.

1 r. 129, 2 r. and ref. 132, rep. 151.

See *Missouri.*

Land districts—See *Land offices.*

Land grants, S. 74. To authorize the Territory of Florida to open a canal through the public lands between Chipola river and St. Andrew's bay, in West Florida.

1 r. 79, 2 r. 91, 3 r. and p. 95, 216, 217, ex. s. and p. 219, app. 222.

S. 89. To amend the act granting certain relinquished and unappropriated lands to the State of Alabama, for the purpose of improving the navigation of the Tennessee, Coosa, Cahawba, and Black Warrior rivers, approved the 23d day of May, 1828.

2 r. and ref. 94, rep. 96, 111, 3 r. and p. 112, 133, ex. and s. 135, p. 144, app. 208.

S. 123. To authorize the State of Indiana to make a road through the public lands, and making a grant of lands to aid the State in so doing.

1 r. 114.

S. 125. Granting a quantity of land to the Territory of Arkansas, for the erection of a public building at the seat of government of said Territory.

1 r. 113, 2 r. and ref. 116, rep. 132, 143, 3 r. and p. 145, 210, ex. and s. 212, p. 214, app. 219.

Land offices, H. R. 210. To establish a land office in the Territory of Michigan, and for other purposes, (one in Indiana.)

1 r. 64, 2 r. and ref. 66, rep. 79, 92, 3 r. and p. 95, 139, 140, ex. 150, s. 151, 152, p. 157, app. 218.

S. 37. To establish two land districts in Illinois.

1 r. 54, 2 r. 60.

Land, sale of, S. 17. Authorizing the sale of a tract of land therein named. (David Guard.)

2 r. and ref. 42, rep. 79, 88, 3 r. and p. 91, 133, ex. and s. 135, p. 144, app. 208.

S. 56. Supplementary to the several laws for the sale of public lands.

1 r. 66, 2 r. 71, 3 r. and p. 72.

BILLS.

Land, sale of, S. 133. To authorize the sale of lands reserved from sale at Fort Jackson, in the State of Alabama.

1 r. 120.

S. 161. To provide for the survey and sale of certain lands in the Territory of Michigan.

1 r. 147, 2 r. and ref. 152, rep. 159.

H. R. 588. For the sale of the lands in the State of Illinois reserved for the use of the salt springs on the Vermillion river, in that State.

1 r. 133, 135, 2 r. and ref. 136, rep. 151, 3 r. and p. 191, ex. and s. 197, p. 206, app. 221.

Lands, back—See *Louisiana*.

Lands injured by earthquakes—See *Missouri*.

Lands, price reduced, S. 15. To reduce the price of the pine barren lands of the United States.

1 r. 40.

S. 61. To reduce the price of a portion of the public lands heretofore in market, and to grant a preference to actual settlers.

1 r. 70, 2 r. 77.

Larche, Francis, S. 53. For the relief of Francis Larche, of New Orleans.

2 r. and ref. 63, rep. 69, 77, 3 r. and p. 80.

Laurens, John, H. R. 310. For the relief of the personal representatives of Colonel John Laurens.

1 r. 162, 2 r. and ref. 169, rep. 196.

Law, criminal, S. 173. To provide a system of criminal law for the United States.

1 r. 228.

Lee, Edward, H. R. 269. For the relief of Edward Lee.

1 r. 161, 2 r. and ref. 169, rep. 174.

Lincecum, Genland—See *William D. King and others*.

Live oak, H. R. 654. To provide for the punishment of offences committed in cutting, destroying or removing live oak and other timber or trees, reserved for naval purposes.

1 r. 188, 2 r. and ref. 189, 3 r. and p. 197, ex. 207, s. 212, p. 214, app. 219.

Livingston and Armstrong, S. 50. To authorize the Secretary of the Navy to make compensation to the heirs of Taliaferro Livingston and Francis W. Armstrong, for the maintenance of fifteen Africans illegally imported into the United States.

2 r. and ref. 59, rep. 61, 64, 3 r. and p. 67, 170, ex. and s. 176, p. 179, app. 209.

Livingston, Richard, H. R. 220. For the relief of the heirs at law of Richard Livingston, a Canadian refugee.

1 r. 133, 135, 2 r. and ref. 136, rep. 151.

Lobdell, Ebenezer, S. 86. For the relief of Ebenezer Lobdell.

1 r. 89, 2 r. 105, 3 r. and p. 107.

Lord, John, H. R. 228. For the relief of the legal representatives of John Lord.

1 r. 133, 2 r. and ref. 135, rep. 142.

Lorraine, Edwin—See *Beverly Chew and others*.

Louisiana, S. 33. To authorize the inhabitants of the State of Louisiana to enter the back lands.

1 r. 50, 2 r. and ref. 51, rep. 97, 111, 153, 3 r. and p. 154.

S. 136. For the relief of John Culbertson, and to provide an interpreter for the district court of the United States for the eastern district of Louisiana.

1 r. 122, 2 and 3 r. and p. 191, 223, ex. 223, s. and p. 224, app. 230.

BILLS.

- Louisiana, S. 137.** To create the office of Surveyor of the public lands for the State of Louisiana.
1 r. 124, 2 r. 153, 3 r. and p. 154, 216, 217, ex. s. and p. 224, app. 230.
- S. 140.** Giving further time for registering claims to land in the eastern district of Louisiana.
2 r. and ref. 125.
See *New Orleans*.
- Lovely, Percis, H. R. 541.** For the relief of Percis Lovely, and for other purposes.
1 r. 84, 2 r. and ref. 87, rep. 110, 3 r. and p. 215, 227, ex. s. p. and app. 229.
- Ludlow and Roberts**—See *Purchasers of lands in Ohio*.

M.

- McCartney, John, S. 29.** For the relief of John McCartney.
1 r. 45, 2 r. and ref. 48, rep. 144.
- McCarty, James, H. R. 267.** For the relief of James McCarty.
1 r. 161, 2 r. and ref. 169, rep. 174.
- McDonough, John, H. R. 643.** For the relief of John McDonough.
1 r. 170, 2 r. and ref. 172, rep. 179.
- McHugh, Susannah, H. R. 251.** For the relief of Susannah McHugh.
1 r. 133, 135, 2 r. and ref. 136, rep. 142.
- McIntire, Daniel**—See *Pension, arrears of*.
- McLachlan, Collin, H. R. 249.** For the relief of Collin McLachlan.
1 r. 133, 2 r. and ref. 135, rep. 149.
- Maine, H. R. 514.** To alter the times of holding the district courts of the United States for the districts of Maine and Illinois, and northern district of Alabama.
1 r. 62-3, 2 r. and ref. 66, rep. 73, 87, 98, 3 r. and p. 104, ex. 106, s. 112, p. 116.
- Maison Rouge**—See *Land claims*.
- Marshal of Rhode Island**—See *Compensation*.
- Matthews, Wm. B., S. 82.** For the relief of Wm. B. Matthews, trustee.
1 r. 86, 2 r. 105, 3 r. and p. 107, 223, ex. 223, s. and p. 224, app. 230.
- Meeder, Edward S.**—See *Pension, arrears of*.
- Michigan, S. 161.** To provide for the survey and sale of certain lands in the Territory of Michigan.
1 r. 147, 2 r. and ref. 152, rep. 159.
See *Land offices*.
- Michigan road**—See *Indiana*.
- Mileage, H. R. 568.** To establish a uniform rule for computing mileage of members of Congress and delegates of Territories.
1 r. 104, 2 r. and ref. 107, rep. 134.
- Militia fines**—See *District of Columbia*.
- Miller, Martin**—See *Pensions granted*.
- Mississippi, S. 39.** For the benefit of schools in Lawrence county, Mississippi.
1 r. 54, 2 r. 60, 3 r. and p. 61, 71, ex. 74, s. 76, p. 88, app. 208.
- S. 51.** To amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same."
1 r. 61, 2 r. and ref. 63, rep. 66, 71, 3 r. and p. 72, 84, ex. and s. 88, p. 99, app. 208.

BILLS.

Mississippi, S. 157. For the relief of Jefferson College in the State of Mississippi.

1 r. 142.

Missouri, S. 41. Concerning the town and village commons in Missouri.

1 r. 54, 2 r. 60, 3 r. and p. 61, 84, 97, ex. *Further supplemental to the act, entitled "An act making further provision for settling the claims to land in the Territory of Missouri," passed the 13th day of June, 1812, 104, s. 112, p. 114, app. 208.*

S. 51. To amend an act entitled "An act to provide for paying to the States of Missouri, Mississippi, and Alabama, three per centum of the nett proceeds arising from the sale of the public lands within the same."

1 r. 61, 2 r. and ref. 63, rep. 66, 71, 3 r. and p. 72, 84, ex. and s. 88, p. 99, app. 208.

S. 70. For the relief of holders of certificates issued in lieu of lands injured by earthquakes in Missouri.

1 r. 79, 2 r. 87, 3 r. and p. 91, 216, ex. 218, s. and p. 219, app. 222.

S. 112. To provide for the removal of certain Indians from the State of Missouri.

1 r. 104, 2 r. 144, 3 r. and p. 145.

S. 139. Authorizing the States of Indiana, Illinois, and Missouri to dispose of certain salt springs, and lands reserved for the use of the same.

1 r. 124.

Miz, Ransom—See Pensions increased.

Monongahela and Alleghany rivers—See Appropriation.

Monroe, James, H. R. 330. To provide for the final settlement and adjustment of the various claims preferred by James Monroe against the United States.

1 r. 129, 132, 2 r. and ref. 136, ref. 142, 3 r. and p. 206, ex. 207, s. 212, p. 214, app. 221.

Moore, Edward, H. R. 512. For the relief of the legal representatives of Edward Moore, deceased,

1 r. 74, 2 r. and ref. 77, rep. 84, 102, 3 r. and p. 105, ex. 105, s. 112, p. 114.

Morris, Lester, and others—See Pensions granted.

Morris, Richard G., H. R. 328. For the relief of Richard G. Morris.

1 r. 162, 2 r. and ref. 169, rep. 194.

Mounted men—See Army.

Muse, Lawrence—See William B. Matthews.

N.

Nails—See Drawback.

Navy, S. 155. To increase the pay of Masters Commandant and First Lieutenants of the Navy.

1 r. 140.

H. R. 507. To authorize the construction of three schooners for the naval service of the United States.

2 r. and ref. 84, rep. 97, 115, 3 r. and p. 117, ex. and s. 125, p. 127, app. 218.

Navy pension fund, H. R. 639. Respecting the Navy pension fund, and certain pensions chargeable thereon.

1 r. 162, 2 r. and ref. 169, rep. 171.

Nelson, George—See Pensions granted.

BILLS.

- New England Mississippi Land Co.*, S. 45. For the relief of Thomas L. Winthrop and others, Directors of an association called the New England Mississippi Land Company.
1 r. 58, 2 r. 64, 92.
- New Hampshire*, H. R. 625. To change the place of holding the circuit and district courts of the United States from Exeter to Concord, in the State of New Hampshire.
1 r. 155, 2 r. and ref. 157.
- New Orleans*, S. 38. For the relief of the Mayor, Aldermen, and inhabitants of the city of New Orleans.
1 r. 54, 2 r. and ref. 57.
- New York*, H. R. 585. Making an appropriation for a custom-house in the city of New York.
2 r. and ref. 192, rep. 195.
- New York*, H. R. 631. To enable the Secretary of War to release the title of the United States to fort Gansevoort, in the harbor of New York.
1 r. 155, 2 r. and ref. 157, rep. 175.
- Nicholson, John*—See *Slave trade*.
- Nicks, John*, S. 135. For the relief of John Nicks.
1 r. 122, 2 and 3 r. and p. 191, 228, ex. s. and p. 229, app. 230.
- Noble, Joseph*, S. 124. For the relief of the heirs of Joseph Noble, deceased.
1 r. 113.
- Norton, Stephen*—See *Peter Bargy and others*.
- Nowell, Samuel*—See *Pensions granted*.

O.

- Ohio*, S. 165. Declaring the assent of Congress to an act of the General Assembly of the State of Ohio hereinafter recited.
2 r. and ref. 154, rep. 157, 176, 3 r. and p. 182, 197, ex. and s. 203, p. 206, app. 220.
See *Purchasers of lands in Ohio*—*Roads*.
- Orphan Asylum*—See *District of Columbia*.

P.

- Paine, Thomas*, H. R. 283. For the relief of Captain Thomas Paine.
1 r. 162, 2 r. and ref. 169, rep. 194.
- Passports and clearances*, S. 54. To repeal the charges imposed on passports and clearances, and the duties on spices.
1 r. 66, 2 r. 71, 3 r. and p. 72.
- H. R. 590. To repeal the charges imposed on passports and clearances.
1 r. 129, 2 r. and ref. 132, 3 r. and p. 137, ex. and s. 138, p. 144, app. 218.
- Patton, Samuel*—See *Pensions granted*.
- Pearse, William*—See *Smith and Pearse*.
- Peck, James H.*—See *Witnesses*.
- Peck, Peter*, H. R. 475. For the relief of Peter Peck.
1 r. 133, 2 r. and ref. 135, rep. 149.
- Penitentiary*—See *District of Columbia*—*Appropriations*.
- Pension applicants*, S. 132. For the relief of certain applicants for pensions.
1 r. 120.
- Pension, arrears of*, S. 73. For the relief of Hugh Barnes.
1 r. 79, 2 r. 91, 3 r. and p. 95, 216, ex. 218, s. and p. 219, app. 220.
- S. 169. For the relief of Joseph Chamberlain.
1 r. 161.

BILLS.

- pensions, arrears of*, S. 18. For the relief of Thomas Fitzgerald.
2 r. and ref. 42, rep. 47, 50, 3 r. and p. 51, 81, ex. and p. 88, p. 99, app. 208.
- H. R. 611. For the relief of Jonah Garrison.
1 r. 155, 2 r. and ref. 157, rep. 202.
- S. 84. For the relief of the legal representatives of Daniel McIntire, deceased.
2 r. and ref. 89, rep. 94, 108, 3 r. and p. 110, 216, ex. 218, a. and p. 219, app. 220.
- S. 170. For the relief of Edward S. Meeder.
1 r. 161.
- H. R. 597. For the relief of John R. Rappleye.
1 r. 155, 2 r. and ref. 157, rep. 196.
- S. 92. For the relief of Jabez Sawyer.
1 r. 94, 2 r. 108, 3 r. and p. 110.
- pension fund*—See *Navy pension fund*.
- pensions granted*, H. R. 567. Supplementary to the act for the relief of certain surviving officers and soldiers of the revolution.
1 r. 155, 2 r. and ref. 157, rep. 159, 202.
- H. R. 459. Granting pensions to certain persons therein named. (John Slaven, Thomas Sappington, Abraham Parker, William Mattheyny, William Black, Jonah Garrison, and George Field.)
1 r. 155, 2 r. and ref. 157, rep. 160.
- H. R. 454. Granting pensions to certain revolutionary and invalid soldiers therein mentioned. (Benjamin Carman, Jonathan Sturtevant, Robert Wilson, Robert L. Tait, John Farrow, Samuel Allen, John King, Martin Parker, Nicholas Robertson, and William A. Tennille.)
1 r. 155, 2 r. and ref. 157, rep. 159.
- H. R. 490. Granting pensions to certain revolutionary soldiers. (John Logan, Matthias Sheets, Stephen Dunham, William Ledman, and Francois Ducoring.)
1 r. 155, 2 r. and ref. 157, rep. 170.
- H. R. 499. Granting pensions to certain revolutionary and invalid soldiers and officers therein named. (Winthrop Davis, Nelson Miller, John Jones, Sion Odom, Minard Le Fever, Robert Dunn, Herman Fisher, and Noah Miller.)
1 r. 155, 2 r. and ref. 157, rep. 171.
- S. 171. For the relief of the mother of Fitz Henry Babbitt, late a lieutenant in the navy of the United States.
1 r. 161, 2 and 3 r. and p. 192.
- S. 27. For the relief of Henry Becker.
2 r. and ref. 45, rep. 50, 52, 3 r. and p. 57, 216, ex. 217, a. and p. 219, app. 220.
- H. R. 582. For the relief of Humphrey Beckett, David Smith, and Jonathan Fogg.
1 r. 155, 2 r. and ref. 157, rep. 196.
- S. 119. For the relief of James Belger.
1 r. 110, 2 and 3 r. and p. 191, 216, ex. 218, a. and p. 219, app. 220.
- H. R. 453. For the benefit of John Berryhill, on account of military services.
1 r. 155, 2 r. and ref. 157, rep. 159.

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- Pensions granted, H. R. 451. For the benefit of John Boone:*
 1 r. 155, 2 r. and ref. 157, rep. 160.
- S. 72. For the relief of Ezekiel Canfield.
 1 r. 79, 2 r. 91, 3 r. and p. 95.
- S. 66. For the relief of Joseph S. Cannon.
 1 r. 72, 2 r. 85, 3 r. and p. 87, 228, ex. s. and p. 229, app. 230.
- S. 129. For the relief of Thurston Card.
 1 r. 120.
- S. 130. For the relief of David Chaplin, Israel Hale, and America Hamlin.
 1 r. 120.
- S. 55. For the relief of William Christy.
 1 r. 66, 2 r. 71, 3 r. and p. 72.
- S. 160. For the relief of Peter Cleer, of Maryland.
 1 r. 147, 2 and 3 r. and p. 191, 216, 217, ex. 218, s. and p. 219, app. 220.
- H. R. 491. Granting pensions to Jared Cone, Hezekiah Hines, and William Kinney, soldiers of the revolution.
 1 r. 155, 2 r. and ref. 157, rep. 171.
- S. 42. For the relief of Jonathan Crocker.
 1 r. 56, 2 r. 61, 3 r. and p. 63, 216, ex. 218, s. and p. 219, app. 220.
- S. 108. For the relief of John Cunningham, senior.
 1 r. 101, 2 r. and ref. 104, rep. 120.
- H. R. 452. For the relief of Bartholomew Delapierre, of the city of New York.
 1 r. 155, 2 r. and ref. 157, rep. 160.
- S. 117. For the relief of William Delzell, of Ohio.
 1 r. 107, 2 and 3 r. and p. 189, 216, ex. 218, s. and p. 219, app. 220.
- H. R. 369. For the relief of William Gallop.
 1 r. 155, 2 r. and ref. 157, rep. 161.
- S. 109. For the relief of Sophia Gardner.
 2 r. and ref. 101, rep. 140, 3 r. and p. 191.
- H. R. 489. Granting pensions to Elisha James and Nathaniel Standish.
 1 r. 155, 2 r. and ref. 157, rep. 170.
- H. R. 390. For the relief of John Kain, John Waggoner, James Span, and Abijah Ring.
 1 r. 155, 2 r. and ref. 157, rep. 170.
- H. R. 468. For the relief of David Kennard.
 1 r. 155, 2 r. and ref. 157, rep. 171.
- S. 67. Granting a pension to Martin Miller.
 1 r. 74, 2 r. 87, 3 r. and p. 91, 223, ex. 223, s. and p. 224, app. 230.
- H. R. 478. Granting pensions to Lester Morris and others. (Lester Morris, Robert Young, and Jane M. Lawrence.)
 1 r. 155, 2 r. and ref. 157, rep. 171.
- S. 143. For the relief of George Nelson.
 1 r. 129.
- S. 30. For the relief of Samuel Nowell.
 1 r. 45, 2 r. and ref. 48, rep. 53, 3 r. and p. 57, 216, ex. 217, s. and p. 219, app. 220.
- H. R. 607. Granting a pension to Samuel Patton, a revolutionary soldier.
 1 r. 139, 2 r. and ref. 140, rep. 146.
- S. 107. For the relief of Thomas Porter, of Indiana.
 1 r. 101, 2 r. 143, 3 r. and p. 145, 177, ex. and s. 197, p. 206, app. 220.
- S. 46. For the relief of John Riddle.
 2 r. and ref. 58, rep. 66, 71, 74, 3 r. and p. 77.

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- Pensions granted*, S. 21. Granting a pension to Judah Roberts.
1 r. 42, 2 r. 46, 3 r. and p. 48.
- S. 97. For the relief of William Scott, of Tennessee.
1 r. 95, 2 r. 111, 3 r. and p. 112.
- S. 114. For the relief of Abner Slade.
1 r. 106, 2 r. 145, 3 r. and p. 147.
- H. R. 596. For the benefit of Eli Smith, a revolutionary soldier.
1 r. 155, 2 r. and ref. 157, rep. 202.
- S. 96. For the relief of Daniel Tilton.
1 r. 95, 2 r. 110, 113.
- S. 88. For the relief of William Vance.
1 r. 94, 2 r. 105.
- Pensions increased*, S. 1. For the relief of Ransom Mix and Edmund Smith.
1 r. 33, 2 r. and ref. 35, rep. 42, 46, 3 r. and p. 48.
- S. 16. For the relief of Aaron Fitzgerald.
1 r. 42, 2 r. 45, 3 r. and p. 48, 81, ex. 84, s. 85, p. 88, app. 208.
- H. R. 327. For the relief of James Soyer.
1 r. 155, 2 r. and ref. 157, rep. 160.
- Peters and Pond*, S. 75. For the relief of Peters and Pond.
1 r. 81, 2 r. 92, 3 r. and p. 98, 217, ex. 218, s. and p. 219, app. 220.
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